



**COMMISSION STAFF WORKING DOCUMENT**

### *Accompanying the document*

# 2026 Rule of Law Report

## The rule of law situation in the European Union

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## **ABSTRACT**

The level of perceived judicial independence is now very high among both the general public and companies in Germany. Reflections regarding reforms to further strengthen the resilience of the justice system continue at the Federal and *Länder* level. With the new Pact for the Rule of Law and a joint campaign to attract qualified personnel, significant steps have been taken to increase resources of the judiciary and address recruitment challenges. Further efforts to improve digitalisation of justice are on-going, while in practice regional divergences as regards the maturity of digitalisation persist. Specialised commercial courts and chambers have been created in over half of the *Länder* and have become operational. Certain challenges have been identified regarding restrictions to the right to legal assistance in specific circumstances. The justice system overall continues to perform efficiently in civil and commercial cases, with changes to criminal and administrative procedural rules under consideration.

The planned revision of the strategic anti-corruption framework and gift policy for the federal administration remains pending. Germany will strengthen sanctions of legal persons, including for corruption crimes. High-level corruption is addressed, and no systemic weaknesses have been identified. Work to establish a fully-fledged legislative footprint is still to be advanced to further enhance transparency in an environment of strong industry interest representation. The federal Lobbying Register is effectively enforced. Some shortcomings remain in the enforcement of conflicts of interest and asset declaration rules for parliamentarians and Government officials as well as for whistleblower protection and political party and campaign finance. Linking the fully electronic Competition Register to the Company Data Register could facilitate investigations of data of companies involved in public procurements, as recommended by the evaluation of the Company Register law.

The independently functioning media regulators assumed new enforcement responsibilities regarding youth protection. Reprimands issued by the self-regulatory body reached a very high level. Reforms to further strengthen the independent functioning of the public service broadcasters entered into force, and future funding remains under discussion. The business environment for media service providers remained overall stable, while plans to adopt new measures to support media pluralism are progressing. There have been no further steps to establish a codified right of the press to information from federal authorities. The overall protection framework for journalists has remained stable, but reports of physical and online attacks raise concern. Work is ongoing with the aim to establish anti-SLAPP safeguards in legislation.

The length of stakeholder consultations and use of impact assessments continues to vary in practice among Ministries. No steps were taken to adapt the tax-exempt status of non-profit organisations, which still creates obstacles for civil society in practice. Civil society organisations continue to face some challenges to their operations and funding schemes for organisations in the area of democracy promotion are currently under review.

## **RECOMMENDATIONS**

Overall, based on the recommendations in the 2025 Rule of Law Report and considering other developments that took place in the period of reference, the Commission concludes the following:

- Significant further progress has been made on increasing the resources of the judiciary and addressing recruitment challenges, through the new Pact for the Rule of Law and a joint campaign to attract qualified personnel. In view of addressing remaining challenges, it is recommended to Germany *to take forward the implementation of the Pact for the Rule of Law as regards both human resources and digitalisation and continue measures to address recruitment challenges, taking into account European standards on resources for the justice system.*
- No progress has been made to step up efforts to strengthen the ‘legislative footprint’ to provide a comprehensive public record to register lobbying input and to extend the scope to the parliamentary phase of the legislative procedure. As gaps remain, it is recommended to Germany *to step-up efforts to provide a comprehensive public record of lobbying input in the legislative process.*
- No further progress has been made on advancing with creating a legal basis for a right to information of the press as regards federal authorities, as internal preparations have not been pursued further. Therefore, it is recommended to Germany *to advance with creating a legal basis for a right to information of the press as regards federal authorities, taking into account European standards on access to official documents.*
- No progress has been made to adapt the tax-exempt status for non-profit organisations, which still affects civil society in practice. Therefore, it is recommended to Germany *to take steps to adapt the tax-exempt status for non-profit organisations with a view to addressing the challenges which the currently applicable rules present for the organisations’ operation in practice, taking into account European standards on funding for civil society organisations.*

## I. JUSTICE SYSTEM<sup>1</sup>

### Independence

**The level of perceived judicial independence in Germany is now very high among both the general public and companies.** Overall, 82% of the general population and 77% of companies perceive the level of independence of courts and judges to be ‘fairly or very good’ in 2026<sup>2</sup>. The perceived judicial independence among the general public has significantly increased in comparison with 2025 (72%), and has increased in comparison with 2022 (76%). The perceived judicial independence among companies has significantly increased in comparison with 2025 (70%), and remains at the same level as in 2022 (77%).

**Reflections regarding reforms to further strengthen the resilience of the justice system continue at the Federal and *Länder* level.** Following the reform to strengthen the resilience of the Federal Constitutional Court in December 2024<sup>3</sup>, three new appointments to the Constitutional Court took effect in October 2025. Regarding other efforts to strengthen the resilience of the justice system, at Federal level two initiatives concerning lay judges are pending. First, to confirm their obligation to respect constitutional values and second, to allow them to continue exercising their functions after expiry of their five-year mandate, if the two-thirds majority typically required for the election of a successor cannot be achieved<sup>4</sup>. At the level of the *Länder*, ongoing initiatives concern the resilience of their Constitutional Courts (broadly mirroring the reform at the Federal level)<sup>5</sup> and of their judges’ election committees, where they exist<sup>6</sup>. As regards the right of Ministers of Justice to instruct prosecutors in individual cases, there are no plans at Federal level to change the system, while in two *Länder* further initiatives in this respect have been taken<sup>7</sup>. Stakeholders<sup>8</sup>, as well as a recent research project focussing on potential vulnerabilities in the current system<sup>9</sup>, highlight further areas for action, including judicial appointments, notably the more

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<sup>1</sup> An overview of the institutional framework for all four pillars can be found [here](#).

<sup>2</sup> Figures 48 and 50, 2026 EU Justice Scoreboard and Figures 51 and 53, 2024 EU Justice Scoreboard. The level of perceived judicial independence is categorised as follows: very low (below 30% of respondents perceive judicial independence as fairly good and very good); low (between 30-39%), average (between 40-59%), high (between 60-75%), very high (above 75%).

<sup>3</sup> 2025 Rule of Law Report, Germany, p. 3.

<sup>4</sup> A draft law on the respect of constitutional values by lay judges had been presented under the previous legislature but was subject to discontinuity following the elections. Country visit Germany, Ministry of Justice. 2025 Rule of Law Report, Germany, p. 2. See also Conference of the Justice Ministers (2025b).

<sup>5</sup> Such reflections, at different stages, exist in Berlin, Brandenburg, Saarland, Sachsen-Anhalt (implemented in May 2026), Hamburg, Niedersachsen. Country visit Germany, EU Affairs Committee of the Conference of Justice Ministers. EU Affairs Committee of the Conference of Justice Ministers (2026a), additional written input, pp. 53-56.

<sup>6</sup> Reflections are currently on-going in Schleswig-Holstein. In Thüringen, the Judges’ Election Committee continues to operate in its old composition, as the two-thirds majority necessary to re-appoint the members chosen among members of parliament could not be reached. Country visit Germany, EU Affairs Committee of the Conference of Justice Ministers.

<sup>7</sup> In Sachsen, the Ministry of Justice is examining whether to formalise requirements for instructions to improve transparency. In Mecklenburg-Vorpommern, the Minister of Justice issued a declaration in December 2025 that she would make use of instructions only if the handling of the case by the public prosecutor’s offices and the Office of the Attorney General is legally untenable (which however does not bind future Ministers of Justice).

<sup>8</sup> Country visit Germany, German Judges’ Association, Federal Bar, Bar Association, Federal Supreme Court, National Human Rights Institution (NHRI), Gesellschaft für Freiheitsrechte (GFF). Bar Association, Liberties (2026), written inputs, pp. 4-7 and pp. 303-304 respectively.

<sup>9</sup> Judicial Resilience Project, available here: [The Judicial Resilience Project](#).

formalised involvement of the Councils of Judges (*Präsidialräte*) and the budgetary autonomy of the judiciary. The Federal Ministry of Justice has pointed to the on-going work on a Federal Justice Cloud (see below) as an additional safeguard for resilience as regards the IT infrastructure and is examining further areas for action also based on the recommendations of the Judicial Resilience Project, including as regards the role of Councils of Judges<sup>10</sup>. At their conference in June 2026, the Ministers of Justice of the *Länder* reiterated the importance of a continuous review of the resilience of the legal foundations of the justice system and consider further measures if needed<sup>11</sup>.

## Quality

**Significant further progress was made on the recommendation to increase resources of the judiciary and address recruitment challenges, through the new Pact for the Rule of Law and a joint campaign to attract qualified personnel<sup>12</sup>.** Following the announcement in the coalition agreement<sup>13</sup>, the Federal Government and the *Länder* agreed in June 2026 on a new ‘Pact for the Rule of Law’ which will provide EUR 240 million of Federal funding to the *Länder*, to create around 2 000 new posts in their judiciaries. The aim of the pact which consists of three pillars on human resources, digitalisation and improvements to the efficiency of procedures, is to overall strengthen the effectiveness of the justice system<sup>14</sup>. Stakeholders have welcomed this announcement, in particular in view of the 2 000 posts for prosecutors and judges in criminal matters they have identified as currently needed<sup>15</sup>. This continues to have an impact on the efficiency in criminal cases, with over one million open cases at the end of 2025 and increased instances of releases from pre-trial detention due to lengthy proceedings<sup>16</sup>. The expenditure for the judiciary in relation to GDP remains stable at a relatively high level<sup>17</sup> and almost all *Länder* have continued to create some additional posts in their judiciaries<sup>18</sup>. To make the judiciary more attractive and in view of upcoming waves of retirements, the *Länder* have launched a joint campaign aimed at attracting young people to the judiciary and, will now examine options to further expand this campaign<sup>19</sup>. Regarding judicial salaries, as in previous years, the Federal level and most *Länder* have applied or plan to apply the most recent collective bargaining agreement for the civil service to the judiciary<sup>20</sup>. However, entry-level salaries for judges and prosecutors continue to be slightly

<sup>10</sup> Country visit Germany, Ministry of Justice.

<sup>11</sup> Conference of the Justice Ministers (2026a).

<sup>12</sup> The 2025 Rule of Law Report recommended Germany to “[t]ake measures to increase the resources of the judiciary and address recruitment challenges, taking into account European standards on resources for the justice system.” Some progress was previously assessed on this recommendation in 2025 and 2024, and no progress in 2023.

<sup>13</sup> 2025 Rule of Law Report, Germany, pp. 4-5.

<sup>14</sup> Ministry of Justice (2026a). German Government (2026), written input, p. 1. Country visit Germany, Ministry of Justice, EU Affairs Committee of the Conference of Justice Ministers. Conference of the Justice Ministers (2025a).

<sup>15</sup> Country visit Germany, German Judges’ Association, Federal Bar, Bar Association. German Judges’ Association (2026a).

<sup>16</sup> German Judges’ Association (2026), written input, p. 13 and information during the country visit Germany.

<sup>17</sup> Figure 34, 2026 EU Justice Scoreboard.

<sup>18</sup> This ranges, in 2026, from five in the Saarland to almost 76 in Nordrhein-Westfalen. EU Affairs Committee of the of the Conference of Justice Ministers (2026), additional written input, pp. 10-14.

<sup>19</sup> The campaign, called “Unser Recht braucht dich” (our law needs you), includes an advertising clip which aired in cinemas across Germany and a [website](#), reached around two million persons. Further measures could include advertising in audio or print media. Country visit Germany, EU Affairs Committee of the Conference of Justice Ministers. Conference of the Justice Ministers (2026b).

<sup>20</sup> German Government (2026), written input, pp. 6-8. This would correspond to a salary raise of 2.8% as of April 2026, further 2% in March 2027 and 1% in 2028. In Hessen, which is not part of the bargaining

below the average national gross salary<sup>21</sup> and regional disparities persist<sup>22</sup>. A judgment of the Federal Constitutional Court of September 2025 found that the level of salaries in the Land of *Berlin* for civil servants (including judges and prosecutors) between 2008-2020 was in most instances unconstitutional<sup>23</sup>. Further similar cases are still pending at the Federal Constitutional Court, and all *Länder* are examining the follow-up required, including due to the further development of the criteria for adequate salaries by the Federal Constitutional Court<sup>24</sup>. Stakeholders continue to highlight that additional measures to ensure adequate salaries are needed, also in view of this jurisprudence, as the judiciary faces a serious challenge to recruit qualified personnel<sup>25</sup>. Overall, significant further progress has been made on the recommendation.

**Further efforts to improve digitalisation of justice are ongoing, while in practice regional divergences as regards the maturity of digitalisation persist.** The level of digitalisation of justice is overall good in civil, commercial, and administrative cases<sup>26</sup>, while procedural rules allowing for the use of digital tools and availability of digital solutions to conduct and follow proceedings remain more limited in criminal cases<sup>27</sup>. The implementation of the digitalisation initiative, on-going since 2023, has continued, with flagship projects such as the Federal Justice Cloud<sup>28</sup>, and the remaining budget under the initiative is set to be allocated to further projects by the end of 2026<sup>29</sup>. Under the second pillar of the new Pact for the Rule of Law, an additional EUR 210 million of Federal funding for digitalisation has been allocated for the time period of 2027-2029<sup>30</sup>. The implementation of the e-file for all new cases has been achieved by the January 2026 deadline in all *Länder*, except in Sachsen-Anhalt where an extension of the deadline by one year was requested<sup>31</sup>. Stakeholders continue to report important regional discrepancies in the level of digitalisation, linked for example to the differences in quality and availability of tools as well as the level of digital skills among the *Länder*<sup>32</sup>. There have been no further steps in view of introducing digital

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community of the German *Länder*, similar raises are also foreseen. EU Affairs Committee of the Conference of Justice Ministers (2026a), additional written input, pp. 15-21.

<sup>21</sup> Figure 35, 2026 EU Justice Scoreboard. This figure does not take into account any additional benefits provided to judges and prosecutors, such as special pensions, general exemption from social security contributions, housing benefits or other financial benefits.

<sup>22</sup> German Judges' Association (2026c).

<sup>23</sup> The reasoning is based on the "alimentation principle" emanating from Art. 33(5) of the Basic Law. Judgment of the Federal Constitutional Court of 17 September 2025, 2 BvL 5/18 u.a. The judgment requires relevant legislation to be revised by end March 2027 and back payments in certain cases.

<sup>24</sup> Country visit Germany, EU Affairs Committee of the Conference of Justice Ministers and additional written input (2026), pp. 22-28.

<sup>25</sup> The lack of competitiveness vis-à-vis private sector salaries is a further challenge in this respect. German Judges' Association and Association of German Administrative Judges (2026), written inputs, p. 13 and p. 9. German Judges' Association (2026b).

<sup>26</sup> Some gaps remain in the availability of digital solutions to initiate and follow proceedings for civil, commercial and administrative cases. Figure 40-44, 2026 EU Justice Scoreboard.

<sup>27</sup> Figures 40 and 45, 2026 EU Justice Scoreboard.

<sup>28</sup> The Justice Cloud allows a central provision and use of software applications for the Federal and *Länder* level. A minimum viable product is expected for 2027. German Government (2026), written input, p. 10.

<sup>29</sup> 2025 Rule of Law Report, Germany, p. 5.

<sup>30</sup> This money would be spent based on results-oriented budgeting, implementing a number of lessons learned from the current digitalisation initiative. Country visit Germany, Ministry of Justice and German Government (2026), written input, p. 10.

<sup>31</sup> However, in some fields, transitional measures still apply, as well as certain technical issues in the practical use of the e-file. German Government (2026), written input, pp. 12-15. Country visit Germany, EU Affairs Committee of the Conference of Justice Ministers.

<sup>32</sup> Country visit Germany, Judges' Association, Federal Bar, Bar Association, Federal Supreme Court.

documentation of main proceedings in criminal cases, which remains a key demand by certain stakeholders<sup>33</sup>. Another area pointed out as a challenge is the limited online publication of judgments and lack of an optimised country-wide portal to access laws and court decisions<sup>34</sup>. In this respect, the Government has announced the creation of an online database for judgments, which would cover judgments of the Federal Courts and is expected to be launched in 2028, with the eventual possibility to also link it to the courts in the *Länder* at a later stage<sup>35</sup>.

**Specialised commercial courts and chambers have been created in over half of the *Länder* and have become operational.** Following the entry into force of the law providing for their establishment in April 2025<sup>36</sup>, in nine *Länder*, Commercial Courts and/or Commercial Chambers have been created, with the others having concluded that there is no necessity for such a court or chamber, mainly due to low case numbers<sup>37</sup>. The number of incoming cases at the different courts varies but is relatively low at this stage<sup>38</sup>. Some business stakeholders continue to express certain hesitations as regards the high threshold for the disputed value to be heard at a commercial court<sup>39</sup>. As regards the traditional, separate institution of chambers for commercial matters (*Kammern für Handelssachen*), composed of one ordinary judge and two lay judges with expertise in commercial matters, the Conference of the Justice Ministers created a working group that gathered input from representatives of the judiciary, lawyers and businesses. This working group – whose establishment responds to a notable decline in incoming cases – is tasked with making proposals for the future of these chambers in terms of their organisation, personnel and overall legal framework. It will present its findings in autumn 2026<sup>40</sup>.

**Certain challenges have been identified regarding restrictions to the right to legal assistance in specific circumstances.** A reform of the Residence Act adopted in December 2025 abolished mandatory legal representation in pre-removal detention cases<sup>41</sup>. While the Government underlines that the right to legal assistance in such cases remains guaranteed<sup>42</sup>, stakeholders have criticised that the practical difficulties for persons detained facing removal in obtaining timely legal representation mean that it is extremely challenging in practice if it is no longer mandatory<sup>43</sup>. As regards legal assistance in international criminal matters, a draft law presented in September 2025 intends to improve legal protection by providing for the right to appeal against the admissibility of an extradition decision<sup>44</sup>. However, stakeholders

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<sup>33</sup> Bar Association, Federal Bar (2026), written inputs, p. 13 and pp. 14-15, respectively. It is expected that this topic could be examined under the expert commission on the criminal procedure (see below).

<sup>34</sup> Currently, decisions are often only accessible via fee-based databases. Liberties (2026), p. 301. See also Figure 46, 2026 EU Justice Scoreboard. European Semester (2026), Germany Country Report, p. 14.

<sup>35</sup> German Government (2026), written input, p. 11.

<sup>36</sup> 2025 Rule of Law Report, Germany, p. 6.

<sup>37</sup> Rheinland-Pfalz remains open towards the possibility provided in the law of cooperation with a Commercial Court in a neighbouring Land. Country visit Germany, EU Affairs Committee of the Conference of Justice Ministers.

<sup>38</sup> When there are no incoming cases falling in the specific competence of commercial courts/chambers, the judges concerned continue to handle regular civil cases.

<sup>39</sup> Country visit Germany, DIHK.

<sup>40</sup> Conference of the Justice Ministers (2025c). Country visit Germany, DIHK.

<sup>41</sup> The reform abolishes Art. 62d of the Residence Act and will enter into force on 1 June 2026.

<sup>42</sup> Federal Bar, Bar Association (2026), written inputs, p. 18 and p. 18, respectively. Country visit Germany, Ministry of the Interior, Federal Bar, Bar Association.

<sup>43</sup> Country visit Germany, Federal Bar, Bar Association. Federal Bar and Bar Association (2026), written inputs.

<sup>44</sup> Draft law on legal assistance in international criminal matters. Country visit Germany, Ministry of Justice.

have criticised the limitations of the appeal in the draft law, as it does not provide for a full appeal, only a re-examination by the same chamber with short deadlines and limits to the right to an in-person hearing<sup>45</sup>.

## Efficiency

**The justice system overall continues to perform efficiently in civil and commercial cases, with changes to criminal and administrative procedural rules to simplify proceedings under consideration.** The disposition time decreased in litigious civil and commercial cases at first instance (from 249 days in 2023 to 232 days in 2024) and remained stable in administrative cases (from 391 days in 2023 to 389 days in 2024). At the same time, the number of pending administrative cases at first instance remained stable from 2022 till 2024<sup>46</sup>, while for pending litigious civil and commercial cases it has increased slightly (from 0.8 in 2023 to 0.9 per 100 inhabitants in 2024). Previously high clearance rates in administrative cases have seen a notable drop (from 109 % in 2023 to 99 % in 2024), whereas they increased in litigious civil and commercial cases (from 97 % in 2023 to 100 % in 2024)<sup>47</sup>. Following the implementation of the ‘leading decision’ procedure in October 2024<sup>48</sup>, the first such decision, issued by the Federal Supreme Court in November 2024, has led to the intended acceleration of proceedings on the same issue at the lower courts. However, this does not yet provide a solution to address mass civil cases directly at lower instances more effectively<sup>49</sup>. Meanwhile, efforts to improve procedural efficiency have been initiated in the field of administrative proceedings, with the Government submitting a draft reform of the Code of Administrative Court Procedure to the Federal Council in May 2026<sup>50</sup>. To enhance the efficiency of criminal court proceedings, the Federal Government together with the *Länder* has established an expert commission comprising academics and practitioners<sup>51</sup>. Its final report with reform proposals is expected in autumn 2026<sup>52</sup>. These processes to reform different procedural codes are also part of the Pact for Rule of Law, in view of simplifying and speeding up judicial proceedings<sup>53</sup>.

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<sup>45</sup> Federal Bar (2025). Bar Association, Federal Bar (2026), written inputs, p. 30 and pp. 12-13, respectively.

<sup>46</sup> At 0.7 per 100 inhabitants.

<sup>47</sup> Fig. 5, 7, 10-11, 13-14 2025 EU Justice Scoreboard.

<sup>48</sup> 2025 Rule of Law Report, Germany, pp. 6-7.

<sup>49</sup> So-called mass cases are usually a large number of individual lawsuits, giving rise to the same key legal issues and asserting similar claims, such as following the so-called *Dieselgate* scandal or relating to consumer disputes in insurance or bank contracts. Country visit Germany, Federal Supreme Court. The leading decision Federal Supreme Court (2024) VI ZR 10/24 concerns the so-called ‘Data Scraping’.

<sup>50</sup> The draft proposes to expand the use of single judges at lower instance courts and three-member panels (instead of five-member panels) at the Federal Administrative Court and to partly permit ‘text-form’ submissions via email in administrative proceedings, in place of the current ‘written form’ with a handwritten signature. Ministry of Justice (2026).

<sup>51</sup> With the main focus on enhancing efficiency and accelerating the main hearing, the six working groups also address appeals, penalty orders without oral proceeding, evidence-gathering, the transfer of evidence from public prosecutors’ investigations to court proceedings, defence rights, and victims’ rights. Country visit Germany, Ministry of Justice, EU Affairs Committee of the Conference of Justice Ministers. Stakeholder have broadly welcomed this step. Country visit Germany, German Association of Judges, Bar Association, Federal Bar. The German Federal Bar is hoping to implement the audio-visual documentation/recording of the main hearing in this context, which is also welcomed by the German Bar Association.

<sup>52</sup> German Government (2026), written input, p. 20.

<sup>53</sup> Ministry of Justice (2026a).

## II. ANTI-CORRUPTION FRAMEWORK

**The perception among experts, citizens and business executives is that the level of corruption in the public sector remains relatively low.** In the 2025 Corruption Perceptions Index by Transparency International, Germany scores 77/100 and ranks 6<sup>th</sup> in the European Union and 7<sup>th</sup> globally<sup>54</sup>. This perception is relatively stable over the past five years.<sup>55</sup> The 2026 Special Eurobarometer on Corruption shows that 58% of respondents consider corruption widespread in their country (EU average 71%) and 12% of respondents feel personally affected by corruption in their daily lives (EU average 30%). As regards businesses, 49% of companies consider that corruption is widespread (EU average 65%) and 25% consider that corruption is a problem when doing business (EU average 37%). Furthermore, 35% of respondents find that there are enough successful prosecutions to deter people from corrupt practices (EU average 38%), while 30% of companies believe that people and businesses caught for bribing a senior official are appropriately punished (EU average 31%)<sup>56</sup>.

**Revisions of Germany's Federal strategic anti-corruption framework and its gift policy remain pending.** The revision of the 2003 'Federal Government Directive Concerning the Prevention of Corruption in the Federal Administration' remains to be finalised, and the Government indicates that it will take the EU Anti-Corruption Directive into account to ensure alignment<sup>57</sup>. The revision of the 2004 rules on the prohibition to accept favours and gifts also remains pending and is postponed to the end of 2026<sup>58</sup>. The new comprehensive report on integrity, providing specific data on corruption suspicion and cases in the federal public administration of the year 2024, was published in September 2025<sup>59</sup>.

**A proposed legislative reform aims to increase corporate penalties, including for corruption offences.** In October 2025, the Government proposed amendments to the criminal code and the Administrative Offence Act to improve detection and to increase maximum corporate fines, including for corruption and foreign bribery offences<sup>60</sup>. Key elements of the planned reform include the quadrupling of maximum corporate fines and the broadening of the scope of liability for companies, which would still require the intentional

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<sup>54</sup> The level of perceived corruption is categorised as follows: low (above 79); relatively low (between 79-60), relatively high (between 59-50), high (below 50).

<sup>55</sup> In 2021, the score was 80, while, in 2025, the score is 77. The score significantly increases/decreases when it changes more than five points; improves/deteriorates (changes between 4-5 points) and is relatively stable (changes from 1-3 points) in the last five years.

<sup>56</sup> Data from Special Eurobarometer 573 (2026) and Flash Eurobarometer 582 (2026).

<sup>57</sup> The Directive entered into force on 1 June 2026. Country visit Germany, Ministry of Justice, Ministry of Interior. It was originally expected to be finalised by the end of 2022 but has since encountered several delays. UNODC (2020), p. 30, encouraging a public consultation. 2025 Rule of Law Report, Germany, p. 7. The strategy is limited to corruption prevention. GRECO (2019b), p. 4, considers it a solid framework.

<sup>58</sup> Country visit Germany, Ministry of Interior. The revision, planned since 2021, aims to assess if legal certainty could be increased by more updated, harmonised rules, providing officials with practical examples.

<sup>59</sup> Ministry of Interior (2025a), reporting (p. 18) 32 new corruption cases in 2024 (2023: 22) concerning 40 individuals within and beyond the Federal administration. 30 cases of Federal offices were closed.

<sup>60</sup> Ministry of Justice (2025), Proposal amending the Criminal Code – Transposition of the EU Environmental Crime Directive 2024/1203. OECD (2021), recommending ensuring company penalties that are effective, proportionate and dissuasive, Germany decided for an all-crime approach, German Government (2025a), pp. 48-49. Stakeholders supported a profit-based fine as a better deterrent instead of a fixed amount as maximum fine that Germany opted for. Country visit Germany, Transparency International. OECD (2025b).

commission of a crime by the manager<sup>61</sup>. In practice, corporate liability in foreign bribery prosecutions is still rarely enforced, with an action plan to address the 2021 OECD recommendations on corporate liability due in June 2026<sup>62</sup>. In February 2026, the Government adopted a joint action plan against organised crime to implement its commitments to tackle, among others, financial crimes<sup>63</sup> by strengthening Germany's financial investigation and law enforcement capacities. This could serve to address the needs identified by stakeholders, such as increasing risks of strategic corruption by third country and non-state actors to secure strategic influence over policy<sup>64</sup>. Gaps in the Beneficial Ownership Transparency Register are planned to be addressed by July 2027, including with enhanced public access to, and verification of, beneficial ownership information<sup>65</sup>.

**Germany continues to provide an effective criminal justice response to corruption.** The treatment of corruption at the level of investigation, prosecution or final adjudication is effective, including as regards high-level corruption cases and no systemic weaknesses have been identified by stakeholders<sup>66</sup>. No cases led by the EPPO on corruption-related investigations have been reported for 2025<sup>67</sup>. Enforcement efforts of the new provision of bribery of parliamentarians have resulted in a first conviction<sup>68</sup>. In 2025, the level of human and financial resources as well as the high specialisation of staff for corruption cases within the police, the financial intelligence unit, the prosecution service, and courts are found to be overall sufficient to carry out their tasks effectively<sup>69</sup>. The 2025 Situation Report by the Federal Criminal Police Office illustrates in an annual analysis recent trends, developments and statistics on corruption and Germany's efforts to repress it<sup>70</sup>. The detected financial damage caused by corruption has notably decreased compared to the previous year<sup>71</sup>. Of those who have been found to have accepted a bribe, 67% (+10% in the previous year) have been public officials. The Supreme Audit Office reports no specific findings on corruption or transparency<sup>72</sup>.

**The mandatory federal Lobbying Register is effectively enforced, providing for more transparency in the decision-making process<sup>73</sup>.** With 6 278 interest representative entries

<sup>61</sup> Art. 30(2)(1) Act on Regulatory Offences. Corporate fines are to increase from EUR 10 to 40 million.

<sup>62</sup> Federal Criminal Police Office (2025), p. 5: one case in 2024 and more cases of commercial corruption (Arts. 335a, 299 Criminal Code). Germany is a top enforcer against foreign bribery committed by natural persons, yet corporate liability for criminal offences is still rarely enforced, see OECD (2021), recommendations and OECD (2025b).

<sup>63</sup> Ministry of Finance, Press release (2026); Ministries of Finance, Interior, Justice (2026).

<sup>64</sup> Transparency International (2025a), pp. 4-5.

<sup>65</sup> Country visit, Germany, Ministry of Justice. German Government (2025a). The register is not public so far; access is granted only for a legitimate interest. The Commission opened formal infringement procedures for failing to fully transpose the 6<sup>th</sup> Anti-Money Laundering Directive by 10 July 2025, pertaining to access to ownership data of legal entities and trusts.

<sup>66</sup> Country visit Germany, Prosecution Service, Federal Police, Transparency International.

<sup>67</sup> EPPO Annual Report 2025 (2026), pp. 28-29. EPPO (2026), written input.

<sup>68</sup> OLG München (2025), involving former members of the Parliament at Federal and *Länder* level. Art. 108e StGB. Transparency International (2025b). OCCRP (2025).

<sup>69</sup> Country visit Germany, Ministry of Interior, Federal Criminal Police Office, Prosecution Service.

<sup>70</sup> For 2024, 2 926 police-registered corruption cases (i.e. 23.8% decrease compared to 2023). Federal Criminal Police Office (2025). The data is not segregated by the 16 *Länder*, identifying regional discrepancies.

<sup>71</sup> *Ibid*, by approximately 36.8% amounting to EUR 36 million in 2024.

<sup>72</sup> German Court of Auditors (2026), additional written input, pp. 1-2.

<sup>73</sup> At the regional level, ¾ of the 16 *Länder* lobbying registers in place, with the city state Hamburg having most recently in 2025 decided to establish one, Bürgerschaft Hamburg, Committee for Justice (2025). For a *Länder* overview, see Transparency International (2024).

by the end of 2025, the number of registered lobbyists in the federal register is relatively stable<sup>74</sup>. The Parliament Administration at the Federal level is monitoring and verifying all published data content to ensure correctness and consistency and follows up on external reports on breaches of the Lobbying Register Act. In 2025, new digital features were rolled out to further facilitate the registration and monitoring process. The new features include automatic alerts regarding discrepancies when data is entered and an automatic public email notification system to inform the public about changes in interest representatives' data entries and new position papers<sup>75</sup>. Regarding interest representatives' obligations to disclose along with their register entries current or previous roles ('revolving doors')<sup>76</sup>, such disclosures regarding a role as a public or elected official over the past five years were made for less than 3% of the individuals named in the register entries<sup>77</sup>. Until the end of 2025, sanctions were imposed in six cases in proceedings which lasted around six months<sup>78</sup>. The Federal Parliament will publish its second report on the maintenance of the electronic, machine-readable Lobbying Register, which was created in 2022 and will be mandatory for all interest representatives<sup>79</sup>, as from March 2027. Stakeholders view the register as a positive tool providing for more transparency<sup>80</sup>. Efforts to link the Lobbying Register to the future joint digital legislative portal for the Government and Parliament, as previously reported, are still work in progress<sup>81</sup>.

**There has been no progress to provide for a more comprehensive public record on lobbying input to legislation ('legislative footprint'), beyond the already existing transparency measures<sup>82</sup>.** Since June 2024, Federal Ministries are required to disclose the influence of lobbyists on the law-making process (executive footprint)<sup>83</sup>. Although largely welcomed by stakeholders, the obligations do not yet encompass reporting on in-person meetings between lobbyists and officials<sup>84</sup>. The Government and stakeholders are identifying systematic shortcomings in the practical application of the executive footprint, with three

<sup>74</sup> Country visit Germany, Parliament Administration.

<sup>75</sup> German Government (2026), written input, p. 22.

<sup>76</sup> Country visit, Germany, Transparency International, LobbyControl, while welcoming the obligation, call for an extension of cooling-off periods to three years.

<sup>77</sup> Country visit Germany, Parliament Administration. ZDF/AbgeordnetenWatch (2025). AbgeordnetenWatch (2025). Transparency International (2025c), p. 25: 73 of 564 revolving door cases in the past five years concerned parliamentarians; the register shows only those moves to the private sector that are compliant with the Act; the obligation to report is on the lobby organisations. LobbyControl (2025a).

<sup>78</sup> *Ibid.* Since 2024, 61 proceedings for administrative offences were initiated for non-registration or false or unconfirmed data entries. 21 have been completed by the end of 2025, 15 were closed, and two additional fines are not yet binding. Administrative fines can be imposed of up to EUR 50 000.

<sup>79</sup> Transparency International, noting the register's positive value in displaying the level playing field of NGOs versus industry representation.

<sup>80</sup> Country visit Germany, LobbyControl, Transparency International, Allianz Rechtssicherheit. Note however GRECO (2024), recommendation (i), paras. 9-16, pp. 3-4, to introduce rules for members of Parliament on how to interact with lobbyists and other third parties seeking to influence the parliamentary process.

<sup>81</sup> 2024 and 2025 EU Rule of Law Report, Germany, pp. 16-17 (2024), p. 9 (2025). For the timeline, see above.

<sup>82</sup> The 2025 Report recommended to Germany to "step up efforts to strengthen the 'legislative footprint' to provide a comprehensive public record to register lobbying input and to extend the scope to the parliamentary phase of the legislative procedure". No further progress was previously assessed on the recommendation in 2025 and some progress in 2024.

<sup>83</sup> More than one third. The Government prepares 80-90% of legislative drafts, i.e. the majority of proposals are covered by the Joint Rules of Procedure of the Federal Ministries. GRECO concluded in 2025 that recommendation iv was met.

<sup>84</sup> Including all written contributions received and topics of discussion for a meaningful disclosure. Civil Liberties Union for Europe (2025), p. 353. LobbyControl (2024): the disclosure of lobbyists' arguments that did not influence the respective draft law is equally in the public's interest.

quarters of new legislation lacking information on lobbying input<sup>85</sup>. Stakeholders also highlight good practices, including by the Ministry of Justice<sup>86</sup>. No rules or guidelines exist for members of Parliament to attach a ‘legislative footprint’ to reports or legislation, including a list that would demonstrate the range of outside expertise and opinions received<sup>87</sup>. Stakeholders call for a comprehensive federal transparency law<sup>88</sup>. While the Federal Government rejected a motion of opposition members of Parliament to introduce a legislative footprint on 16 October 2025<sup>89</sup>, the Federal Government, the Federal Parliament and the *Länder* continue to work on the digitalisation of the law-making process, envisaging a publicly available joint, digitalised portal, which is expected to be finalised by 2027 with a testing phase planned for 2028<sup>90</sup>. The creation of such a joint digital legislative portal for Government and Parliament could present an opportunity to include a fully-fledged legislative footprint. Against this background, there has been no further progress on the recommendation.

**Oversight and enforcement of conflicts of interest and asset declaration rules remain a challenge.** Disclosure obligations for members of Parliament on conflicts of interest and their financial interests remain limited and notably do not include *ad hoc* disclosures in plenary debates substantial investments in companies below 5%, and the time spent on remunerated side jobs<sup>91</sup>. Stakeholders continue to remark the lack of a fully independent oversight body considering the Parliament Administration’s structural subordination to the Parliament Presidium as well as its limited mandate to investigate breaches<sup>92</sup>. Enforcement remains an obstacle with several cases of non-compliance and significant publication delays of side job remuneration having raised public attention<sup>93</sup>. Allegations of nepotism for the employment of

<sup>85</sup> Country visit Germany, Ministry of Justice referring to Federal Statistics Office evaluation. LobbyControl (2025). Transparency International (2025d). Allianz für Lobbytransparenz (2025): of 120 legislative drafts submitted to Parliament (June 2024-June 2025), an executive footprint was illustrated in 30 and missing in 90 drafts (75%). Of the 30 with an executive footprint, more than one third of the draft legislative proposals stated no influence had been exerted. Notably, only lobbying input that contributes to a significant extent or that has led to changes of the core aspects of the legislative proposal must be disclosed (Art. 43(1)GGO), providing for a wide discretion for Ministries preparing the drafts. LobbyControl (2025b). LobbyControl to publish an analysis in 2026. AbgeordnetenWatch (2026), suggesting more awareness-raising in ministries.

<sup>86</sup> LobbyControl (2025b): e.g. the Act against unfair competition (21/1855), indicating in its executive footprint several paragraphs to which amendments were introduced upon interest representatives’ contributions.

<sup>87</sup> Experts’ statements made in public hearings are published (Section 70 Rules of Procedure of the Federal Parliament). For lobbyists, there is an obligation to upload their inputs in the register, yet it is not connected to the legislative outputs or ongoing work. GRECO (2024), para. 9-16, concluding that the reform addresses recommendation (i). German authorities consider the disclosure of the content and objective of lobbying as a ‘more effective’ alternative than the disclosure of all individual contacts.

<sup>88</sup> Country visit Germany, LobbyControl, AbgeordnetenWatch. Transparency International (2024).

<sup>89</sup> Federal Parliament (2025a).

<sup>90</sup> The Government to finalise the technical parts by end 2026; the Parliament to finalise in the course of 2027. Country visit Germany, Parliament Administration.

<sup>91</sup> Members of Parliament are obliged to disclose shareholdings above five percent in private corporations or partnerships, with certain exceptions. See Art. 45(2)(6), 45(3) Member of the Bundestag Act. Financial interests are only subject to notification in the context of their parliamentary committee work. GRECO (2021), p. 4. Ministers and parliamentary state secretaries are also not yet under any unequivocal obligation to disclose conflict of interests on an *ad hoc* basis, GRECO (2023), recommendation vi, pp. 8-9. AbgeordnetenWatch (2024).

<sup>92</sup> Country visit, Germany, LobbyControl, Transparency International. GRECO (2022), p. 9.

<sup>93</sup> *Ibid.* AbgeordnetenWatch (2025a): despite a 3-months deadline, not all declarations on parliamentarian’s side jobs were published by end October, i.e. seven months after the start of the new parliamentary term, due to the necessity to review the disclosure requirements and to process the data. Federal Parliament (2025b) for data on initiated investigations, breaches, sanctions applied and amounts paid to the Federal

relatives of members of Parliament in other deputies' offices have been in the public's focus in 2026, triggering parliamentary debates<sup>94</sup>. The asset disclosure rules for Government top executives also remain limited in terms of oversight and transparency<sup>95</sup>.

**While the legislative scope is broad and disclosures are increasing, some obstacles for whistleblower protection in practice remain.** The Act for the Better Protection of Whistleblowers encompasses breaches related to all types of corruption crimes without the need of a link to the EU budget<sup>96</sup>. In practice, several reporting offices exist at the Federal Government level, including in anti-corruption units<sup>97</sup>. The Federal Office for Justice, which administers the Federal external reporting channel, published its second annual report in 2025 reporting a significant increase in disclosures<sup>98</sup>. Practitioners and stakeholders consider the legal framework and whistleblower disclosures to be essential to uncover large-scale corruption, economic crimes, and other wrongdoings, indicating however that restrictive court interpretation impacts the granting of whistleblower protection status and that rather high compliance requirements raise difficulties for SMEs<sup>99</sup>. Following two external evaluations<sup>100</sup>, the Government is still considering conducting an internal evaluation of the Act for the Better Protection of Whistleblowers, as originally planned two years after its entry into force in July 2023.

**The new political party sponsoring rules are expected to show effect in 2027, while other shortcomings persist in party and campaign finance.** Specific reports on political party sponsoring, required since 1 January 2025<sup>101</sup>, will be published and annexed for the first time to the general 2025 parties' financial accountability reports in 2027<sup>102</sup>. These new reporting requirements aim to increase transparency in party financing and prevent hidden campaign finance at federal and *Länder* level. Challenges in practice relate to the inaccessible, non-machine-readable format of the publicly available data and the significant time lapse until the reporting of party income, which make outside monitoring more difficult<sup>103</sup>. To reduce the time lapse, an internal administrative decision of the Parliament Administration aims at having financial accountability reports published already during its review process in the future<sup>104</sup>. Stakeholders also note that party and campaign donations are still not capped, with a tendency of an increasing number of large-scale donations being reported<sup>105</sup>. Furthermore, the employment of relatives and close associates by members of Parliament for taxpayer-

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budget in the last electoral term. AbgeordnetenWatch (2025b). GRECO (2024), recommendation (iv), paras. 21-27, pp. 5-6.

<sup>94</sup> Federal Parliament (2026b).

<sup>95</sup> GRECO recommendation (viii) is not implemented, GRECO (2025), paras. 47-51, p. 11.

<sup>96</sup> Apart from all crimes also misdemeanours are covered in as much as they concern important legal interests.

<sup>97</sup> Also the '*Bundesanstalt für Finanzdienstleistung*' and '*Bundeskartellamt*' provide reporting channels.

<sup>98</sup> Federal Office for Justice (2025) for 2024. Of the 1 802 reports (in 2023, 410), 71 cases (in 2023, 90) were transferred to prosecutors, 143 (in 2023, ca. 160) to other authorities.

<sup>99</sup> Country visit, Germany, Prosecution Service, Transparency International. Whistleblowers helped to unveil major scandals, such as the Cum-Ex, Wirecard and tax leaks. 2025 Rule of Law Report, Germany, p. 12.

<sup>100</sup> Including by the Federal Statistical Office.

<sup>101</sup> Section 24 (8a) PartG, introduced in 2025, lowering donation reporting requirements from EUR 50 000 to 35 000. 2025 Rule of Law Report, Germany, p. 12.

<sup>102</sup> Parliament Administration (2026), written input, p. 1.

<sup>103</sup> Country visit Germany, LobbyControl, Transparency International. See also LobbyControl (2023). Transparency International (2023).

<sup>104</sup> Parliament Administration (2026), written input, p. 1.

<sup>105</sup> LobbyControl, AbgeordnetenWatch, Transparency International (2025). LobbyControl (2026) and (2025c), reporting about EUR 24 million as a record amount in campaign donations in the 2024/25 Federal elections. Transparency International (2025a).

funded jobs<sup>106</sup> and the collection and channelling of party donations through foundations present a challenge, circumventing transparency rules<sup>107</sup>. The Parliament Administration's oversight and investigative enforcement powers remain limited, with stakeholders proposing the establishment of an independent control body<sup>108</sup>.

**An evaluation of the law on the Competition Register was carried out, laying out avenues for synergies between different registers for the investigation of data of companies participating in public procurement.** Businesses' attitudes towards corruption in the EU show that 26% of companies in Germany (EU average 30%) think that corruption has prevented them from winning a public tender in practice in the last three years. 63% of businesses perceive the level of independence of the Federal public procurement review body (the Federal Cartel Office) as very or fairly good, which has significantly increased in comparison with 2025 (53%)<sup>109</sup>. The Single Market and Competitiveness Scoreboard on access to public procurement in Germany reports 18% of single bids for 2025 (EU average 27%). In 2025, the Government conducted an evaluation of the law on the Competition Register, which allows potential contracting authorities to identify bidders' past corruption fines and convictions. The evaluation recommends considering linking the already fully electronic Competition Register to the Company Data Register to create further synergies for the investigation of company data<sup>110</sup>. In the context of ongoing draft revisions proposed in October 2026 to accelerate public procurement procedures while increasing the threshold for direct awards<sup>111</sup>, business stakeholders point to the lack of competition in 'below-the-threshold' procurements and increased corruption risks, which could affect the level playing field for businesses<sup>112</sup>. The 2025 report of the Federal police also identifies the services and construction sectors as particularly exposed to corruption-related offences<sup>113</sup>.

### **III. MEDIA PLURALISM AND MEDIA FREEDOM**

**The independently functioning media regulators assumed new enforcement responsibilities.** The 14 media regulators continued to operate independently, with stakeholders reporting that they continue to function well<sup>114</sup>. The 6<sup>th</sup> Interstate Media Amendment Treaty entered into force in December 2025. The reform aims to modernise protection of minors by strengthening technical safeguards and to enhance media supervision and law enforcement by expanding the powers of the media regulators to ensure more effective compliance with youth protection rules<sup>115</sup>. Despite the growing number of tasks, the Government reported that the Courts of Auditors found that the state media authorities are adequately financed<sup>116</sup>.

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<sup>106</sup> Federal Parliament (2026). See also above in "conflict of interest" section.

<sup>107</sup> Country visit Germany, GFF.

<sup>108</sup> Country visit Germany, LobbyControl, AbgeordnetenWatch. It does not have access to donors' tax information for data verification and is subordinated to the Parliament's Presidium. UNODC (2020), p. 67. Transparency International (2023).

<sup>109</sup> Figure 59, 2026 EU Justice Scoreboard.

<sup>110</sup> Federal Ministry of Economy and Energy (2025), p. 11. See also 2023 Rule of Law Report, p. 21.

<sup>111</sup> Law 21/1931 of 1 October 2025. Law 21/1934 of 1 October 2025, increasing thresholds from EUR 15 000 to EUR 50 000.

<sup>112</sup> German Chamber of Commerce DIHK (2025). Country visit, Germany, Transparency International.

<sup>113</sup> Federal Criminal Police Office (2025).

<sup>114</sup> Vaunet (2026), written input, pp. 14-15; Country visit Germany, ZDF and ARD; 2026 Media Pluralism Monitor, country report for Germany, p. 17; 2025 Rule of Law Report, Germany, p. 13.

<sup>115</sup> German Government (2026), written input, p. 32.

<sup>116</sup> German Government (2026), written input, p. 32.

**Self-regulation of the media is well established, and reprimands increased, reaching a very high level.** In 2025, the number of complaints on press publications that the German Press Council<sup>117</sup> received increased for the third year in a row to 2 636 (compared to 2 215 in 2024). The most frequently raised complaints concerned alleged serious breaches of journalistic due diligence, followed by infringements of the protection of privacy as defined in the Press Code. The number of non-binding public reprimands issued by the Press Council also increased to 102 in 2025<sup>118</sup>.

**Reforms to further strengthen the independent functioning of the public service broadcasters entered into force, while future funding remains under discussion.** The Media Pluralism Monitor (MPM) 2026 reports a low risk for the independence of public service media<sup>119</sup>. In December 2025, the Interstate Reform Treaty entered into force. It aims to modernise the structure of the public service broadcasting corporations and improve efficiency, including through increased flexibility in programme offerings<sup>120</sup>. The Treaty also further strengthens the independent functioning of public service broadcasters by strengthening the dismissal and appointment procedures of members of the management bodies<sup>121</sup>. A license fee remains the main source of funding for public service broadcasters. The decision by the *Länder* not to follow the recommendation of the independent expert commission (KEF) to increase the license fee by 3.2% for the 2025-2026 period has been challenged by the public service broadcasters before the Federal Constitutional Court, and the case is still pending. In the meantime, in February 2026, the KEF presented an updated, lower proposal for the adjustment of the licence fee as of 2027<sup>122</sup>. This ongoing challenge has contributed to delays in the adoption of the Interstate Broadcasting Financing Amendment Treaty, which had been proposed in 2024 to adjust the funding procedure from 2027<sup>123</sup>.

**The business environment for media service providers remained overall stable, and plans to adopt new measures to support media pluralism are progressing.** Access to ownership information about media service providers continued to be provided via a public database<sup>124</sup>. However, some stakeholders expressed concerns about concentration in the media market<sup>125</sup>. The 2026 MPM reports a very high risk to the plurality of media providers and a high risk to the plurality in digital markets<sup>126</sup>. Work is currently ongoing to adopt the Digital Media Treaty. The first part of the Treaty, whose draft was agreed upon by the *Länder* in June 2025, aims to cover aspects such as state advertising, with a view to align with the European Media Freedom Act. In October 2025, the *Länder* agreed on the objectives for a planned second part of the Digital Media Treaty. These include strengthening the economic foundation of private media, reinforcing the discoverability of media content, and

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<sup>117</sup> 2025 Rule of Law Report, Germany, p. 13. The Press Council (the self-regulatory body for press and online media) is widely accepted in the print and online media sectors. Reporters Without Borders (2026), written input, p. 16; Vaunet (2026), written input, p. 15; Country visit Germany, Press Council.

<sup>118</sup> Presserat (2026b).

<sup>119</sup> 2026 Media Pluralism Monitor, country report for Germany, p. 28.

<sup>120</sup> Country visit Germany, Media authorities of the *Länder*, ZDF and ARD.

<sup>121</sup> German Government (2026), written input, pp. 33-34.

<sup>122</sup> It envisages an increase from EUR 18.36 to EUR 18.64, instead of EUR 18.94. KEF (2026).

<sup>123</sup> Country visit Germany, Media authorities of the *Länder*, ZDF, ARD and Journalists Association; Reporters Without Borders (2026), written input, p. 15.

<sup>124</sup> 2025 Rule of Law Report, Germany, p. 15; Vaunet (2026), written input, p. 17.

<sup>125</sup> European Centre for Press and Media Freedom (2026), written input, p. 17; Media Ownership Monitor, Germany.

<sup>126</sup> 2026 Media Pluralism Monitor, country report for Germany, pp. 20-21.

safeguarding media pluralism via a reform of the media concentration rules<sup>127</sup>. Some stakeholders criticised a lack of level playing field between the media sector and online platforms and expressed concerns about the continued shift in advertising spending from the media sector to online platforms, which could pose a threat to media pluralism<sup>128</sup>.

**There has been no further progress on the recommendation to establish a codified right of the press to information from federal authorities<sup>129</sup>.** Following the early parliamentary elections in 2025, internal preparations for a codification of the right of the press to information from federal authorities were not pursued further<sup>130</sup>. The establishment of a statutory framework remains under consideration, but no concrete proposals have been presented<sup>131</sup>. Stakeholders expressed concerns about the absence of a clear legal basis for access to information from federal authorities<sup>132</sup>. Therefore, no progress has been made on the recommendation.

**The overall protection framework for journalists has remained stable, but reports of physical and online attacks raise concern.** An increased risk to the journalistic profession, standards, and protection was reported by the 2026 MPM partly due to a rise in observed attacks taking place during demonstrations<sup>133</sup>. Since the last rule of law report, the Council of Europe Platform to promote the protection of journalism and safety of journalists issued one new alert concerning Germany<sup>134</sup>, while the Mapping Media Freedom platform recorded 98 new alerts related to media freedom. The alerts mainly concern cases of attacks or threats against journalists, as well as the obstruction of journalistic activity, of which many took place during the coverage of demonstrations<sup>135</sup>. Police statistics on politically motivated crime for 2025 show a total of 486 registered offenses within the broad target category of "media", representing an increase of 14.89% (compared to 423 offenses in 2024)<sup>136</sup>. The public authorities at federal and *Länder* level continue to take measures to ensure journalists' safety, including during protests and demonstrations. This involves exchanges between the police and the media, as well as training on press law to the Federal Police and Federal Criminal Police Office officers<sup>137</sup>. However, some stakeholders expressed concerns that the level of

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<sup>127</sup> German Government (2026), written input, pp. 34-35.

<sup>128</sup> Reporters without Borders (2026), written input, p. 20; Vaunet (2026), written input, p. 18; Country visit Germany, Vaunet and Publishers Association.

<sup>129</sup> The 2025 Rule of Law Report recommended Germany to "[a]dvance with creating a legal basis for a right to information of the press as regards federal authorities, taking into account European standards on access to official documents." Limited progress was previously assessed on the recommendation in 2025 and, no further progress in 2024 and some progress in 2023.

<sup>130</sup> German Government (2026), written input, p. 2. At the same time, the coalition agreement has committed to review the broader freedom of information legislation to benefit both citizens and the public administration. German Government (2025a), p. 59. The press's constitutional right to information from federal authorities—which, according to established case law, derives directly from Article 5, Paragraph 1 of the Basic Law—remains unchanged.

<sup>131</sup> German Government (2026), written input, p. 2; Reporters Without Borders (2026), written input, p. 19; Country visit Germany, Vaunet.

<sup>132</sup> Transparency International (2026), written input, p. 19; Vaunet (2026), written input, p. 18; European Centre for Press and Media Freedom (2026), written input, pp. 19-20; Reporters Without Borders (2026), written input, p. 21.

<sup>133</sup> 2026 Media Pluralism Monitor, country report for Germany, pp. 11-12.

<sup>134</sup> Council of Europe Safety of Journalist Platform (2026).

<sup>135</sup> Mapping Media Freedom (2026).

<sup>136</sup> Federal Criminal Police Office (2026).

<sup>137</sup> European Centre for Press and Media Freedom (2026), written input, p. 18; Country visit Germany, Vaunet, Media authorities of the *Länder*.

protection varies across the *Länder*<sup>138</sup>. Some stakeholders reported persisting challenges related to effective investigations of threats or attacks as well as concerns related to the protection of their personal data, which sometimes discouraged journalists from filing criminal complaints after threats or attacks<sup>139</sup>. In addition, potentially inadequate safeguards to prevent unjustified law enforcement access to electronic communications data in recent draft legislation have also been raised by stakeholders, citing risks to the protection of journalistic sources<sup>140</sup>.

**Work is ongoing to establish anti-SLAPP safeguards in legislation.** Strategic lawsuits against public participation (SLAPPs) targeting journalists are generally not seen as a major concern for the media sector<sup>141</sup>. Since 2024, the Government co-finances a civil society helpline that offers psychosocial support to victims of SLAPPs. In 2025 the contact point reported 48 support requests<sup>142</sup>. In December 2025, the Government submitted to Parliament a draft law aiming to transpose the EU Anti-SLAPP Directive. The draft establishes rules to ensure that abusive proceedings against critical expression or reporting are swiftly concluded and unfounded claims dismissed at an early stage<sup>143</sup>. Moreover, it will be made possible to collect data on SLAPP cases<sup>144</sup>. Stakeholders regretted that the draft law, unlike a previous draft, covers only cross-border cases and not domestic cases and does not contain protection provisions for intimidation attempts that precede litigation<sup>145</sup>.

#### **IV. OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES**

**The length of stakeholder consultations and use of impact assessments continues to vary in practice among Ministries.** While the recommended consultation period for draft laws at the federal level is four weeks, no centralised statistics on consultation length are available, also due to the absence of a central consultation platform<sup>146</sup>. The National Regulatory Control Council (NKR)<sup>147</sup> as well as stakeholders, including from the business sector, continue to report notable variations in practice between Ministries as regards the length of consultation periods<sup>148</sup>. The NKR further underlines that impact assessments usually remain limited to

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<sup>138</sup> European Centre for Press and Media Freedom (2026), written input, p. 18.

<sup>139</sup> For example, cases where local authorities refuse to restrict access to journalists' personal data in the population register, or in criminal proceedings, where access to case files may expose private home addresses to opposing parties. European Centre for Press and Media Freedom (2026), written input, p. 18.

<sup>140</sup> Stakeholders are particularly concerned about potentially inadequate safeguards in the draft law on IP address retention and the draft reform of the Federal Intelligence Service Act, both of which aim to expand authorities' competencies relating to data storage, surveillance, and cyber capabilities. European Centre for Press and Media Freedom (2026), written input, p. 18; European Federation of Journalists (2026), written input, p. 17; Reporters Without Borders (2026), written input, pp. 17, 21; Country visit Germany, Journalists Association.

<sup>141</sup> European Centre for Press and Media Freedom (2026), written input, p. 20; Reporters Without Borders (2026), written input, p. 20; Country visit Germany, Press Council, ZDF and ARD.

<sup>142</sup> Reporters Without Borders (2026), written input, p. 20.

<sup>143</sup> German Government (2026), written input, p. 36.

<sup>144</sup> Country visit Germany, Joint Office of Media Authorities and BKM.

<sup>145</sup> Country visit Germany, Journalists Association and Publishers Association; European Centre for Press and Media Freedom (2026), written input, pp. 20-21; European Federation of Journalists (2026), written input, pp. 17-18; Reporters Without Borders (2026), written input, p. 20.

<sup>146</sup> 2025 Rule of Law Report, Germany, pp. 16-17.

<sup>147</sup> The National Regulatory Control Council (NKR) is tasked to review draft legislation with regards to the costs imposed and whether less burdensome alternatives exist. According to its annual Report 2025, the four-week deadline for consultation of the NKR was only met in 48% of cases in 2024-2025, while in 26% of cases the deadline was less than five days. NKR (2026), p. 5.

<sup>148</sup> Country visit Germany, NKR, GFF, Federal Bar, Bar Association, DIMR.

assessing compliance costs of proposals, instead of broader cost-benefit analyses. As part of the federal modernisation agenda, the role of impact assessments at an early stage of the process is intended to be strengthened<sup>149</sup>. OECD indicators show that Germany performs below the EU average for engagement of stakeholders in policy-making, but above-average for regulatory impact assessments<sup>150</sup>. As regards parliamentary hearings, the German Institute for Human Rights (DIMR), which is the National Human Right Institution accredited with A-Status, continues to highlight the lack of follow-up to the recommendation by the Global Alliance for National Human Rights Institution's Sub-Committee for Accreditation to formalise the institute's participation therein<sup>151</sup>.

**On 1 January 2026, Germany had four leading judgments of the European Court of Human Rights pending implementation, a decrease of five compared to the previous year<sup>152</sup>.** At that time, Germany's rate of leading judgments from the past 10 years that had been implemented was at 86% (compared to 71% in 2025; 14% remained pending), and the average time that the judgments had been pending implementation was 2 years and 5 months (compared to 3 years and 8 months in 2025)<sup>153</sup>. As regards the respect of payment deadlines, on 31 December 2025 there was 1 case awaiting confirmation of payments (compared to none in 2024)<sup>154</sup>. By 17 June 2026, the number of leading judgments pending implementation had remained at 4<sup>155</sup>. As regards the implementation of national judgments, individual cases of non-implementation or disregarding by public authorities of binding court judgments have been raised as a concern<sup>156</sup>. As part of the revision of the Administrative Procedural Code, the Government is proposing limited adjustments to improve enforcement of administrative court decisions against public authorities, notably raising the maximum level of the possible fine and allowing courts to impose repeated fines<sup>157</sup>.

**More than half of companies surveyed in Germany express confidence in the effectiveness of investment protection.** 56% of companies are very or fairly confident that investments are protected by law and courts, a figure which has slightly decreased in comparison with 2025 (58%)<sup>158</sup>. As regards authorities relevant for economic operators 50% perceive the level of independence of the Federal Cartel Office as very or fairly good when it is deciding in competition matters, a figure which has significantly decreased in comparison

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<sup>149</sup> Country visit Germany, NKR. German Government (2025b), pp. 19-22.

<sup>150</sup> OECD (2025a), p. 153.

<sup>151</sup> DIMR (2026), written input.

<sup>152</sup> For an explanation of the supervision process, see the [website](#) of the Council of Europe.

<sup>153</sup> All figures calculated by the European Implementation Network (EIN) and based on the number of cases that are considered pending at the annual cut-off date of 1 January 2026. EIN (2026), written input, pp. 4-5.

<sup>154</sup> Council of Europe (2026), p. 162. The payment was made on time, and the confirmation was provided on 19 January 2026. Subsequently, on 29 April 2026, the Committee of Ministers closed the procedure.

<sup>155</sup> Data according to the online database of the Council of Europe (HUDOC).

<sup>156</sup> Most notably a ruling of the Berlin Administrative Court of 2 June 2025 that found rejections at border controls to be unlawful (the decision in the main proceedings is still pending). Liberties (2026), pp. 305-306. This case also resulted in significant online attacks against the judge as well as the lawyers and NGOs supporting the applicants. German Judges' Association, German Association of Administrative Judges (2026), written inputs, p. 12 and p. 12 respectively.

<sup>157</sup> Ministry of Justice (2026). The maximum fine is increased from EUR 10 000 to EUR 25 000. It is furthermore envisaged that the fine does not benefit the concerned administrative authority.

<sup>158</sup> Figures 52 and 53, 2026 EU Justice Scoreboard. 28% and 23% of the surveyed investors respectively perceive the frequent changes in legislation or concerns about the quality of the law-making process and concerns about quality, efficiency or independence of justice as a reason for the lack of confidence in investment protection.

with 2025 (56%)<sup>159</sup>. The Federal Administrative Court has jurisdiction in several business-related cases, including in cases related to public concessions, public contracts and economic regulation. A number of judicial mechanisms to improve efficiency are available in these cases, including the possibility to apply interim measures, joint examination of similar cases and the consolidation of multiple appeals<sup>160</sup>.

**There has been no progress on the recommendation to adapt the tax-exempt status of non-profit organisations, which still creates obstacles for civil society in practice**<sup>161</sup>. The authorities confirm that, following an examination of the recommendation, there are no intentions to reform the legal framework regarding tax-exemptions for non-profit organisations, as they consider the rules in place to be sufficient<sup>162</sup>. However, civil society organisations (CSOs) continue to experience challenges in practice related in particular to the uncertainty as to what type of political activity unrelated to the non-profit purpose of their organisation is permissible, to the limits to the catalogue of grounds for non-profit status and to limitations on the use of ‘political means’ to achieve the organisation’s stated purpose<sup>163</sup>. In this context CSOs continue to report cases of instrumentalisation of the current system’s ambiguity as an intimidation strategy by certain political parties who report CSOs to the tax authorities for alleged political activity<sup>164</sup>, which continues to create a chilling effect in view of their wiliness and capacity to participate in public debates. Overall, no progress has been made on the recommendation.

**Civil society organisations continue to face some challenges to their operations, and funding schemes for organisations in the area of democracy promotion are currently under review.** In December 2025, Germany’s civic space rating was downgraded from ‘narrowed’ to ‘obstructed’ by Civicus<sup>165</sup>. Concerns persist regarding restrictions to the rights of freedom of expression and assembly including excessive use of force by police and suppression of protests<sup>166</sup>, as has been raised by several UN Special Rapporteurs and the UN Human Rights Council<sup>167</sup>, the Council of Europe Commissioner for Human Rights<sup>168</sup> and

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<sup>159</sup> Figure 60, 2026 EU Justice Scoreboard.

<sup>160</sup> Figures 66 and 67, 2026 EU Justice Scoreboard. The data presented reflects exclusively the mechanisms in place at the level of the highest administrative jurisdictions; the same or other mechanisms may be in place at lower instance administrative courts.

<sup>161</sup> The 2025 Rule of Law Report recommended Germany to “[t]ake steps to adapt the tax-exempt status for non-profit organisations with a view to address the challenges which the currently applicable rules present for the organisations’ operation in practice, taking into account European standards on funding for civil society organisations”. No progress was previously assessed on this recommendation in 2025, 2024, 2023.

<sup>162</sup> Reference is notably made to an existing administrative decree (*Anwendungserlass zur Abgabenordnung*) which provides certain clarifications as regards what constitutes “occasional political activity”. German Government (2026), written input, pp. 2-3 and Country visit Germany, Ministry of Finance.

<sup>163</sup> 2025 Rule of Law Report, Germany, p. 18. DIMR (2026), written input. Liberties, European Civic Forum (2026), written inputs, pp. 313 and p. 7, respectively. Country visit Germany, Allianz Rechtssicherheit. An overview of key concerns with the current system by an alliance of over 200 CSOs can be found [here](#).

<sup>164</sup> European Civic Forum (2026), written input, p. 7. Country visit Germany, Allianz Rechtssicherheit.

<sup>165</sup> Germany’s score is 60/100. Ratings by Civicus are on a five-category scale defined as: open, narrowed, obstructed, repressed, and closed.

<sup>166</sup> 2025 Rule of Law Report, Germany, pp. 18-19. Liberties (2026), written input, p. 314.

<sup>167</sup> UN Special Rapporteur for freedom of opinion and expression (2026); Letter by the Special Procedures of the UN Human Rights Council (2025b) and Press release (2025a), reacting to the response by the German Government (2025c).

<sup>168</sup> Memorandum of 15 April 2026, following the visit by the Council of Europe Commissioner for Human Rights in October 2025, following up to a letter of 6 June 2025. Germany responded to the letter on 23 June 2025, considering the criticism to be unfounded.

national stakeholders<sup>169</sup>. The German authorities note that these freedoms may be restricted under certain conditions as also provided under the EU Charter of Fundamental Rights and the European Convention on Human Rights and that measures are generally subject to judicial control<sup>170</sup>. In some cases, courts have subsequently found the police's use of force or disruption of events to be unlawful, with appeals in a number of cases still pending<sup>171</sup>. A media analysis published in December 2025 has shown a proliferation of anti-CSO narratives from political actors and in broader public discourse, which is also observed by stakeholders<sup>172</sup>. CSOs further raise concerns regarding the increased questioning of their funding by Government programmes and perceived attempts to delegitimise their activity<sup>173</sup>. As regards funding for civil society, the Government has announced a further development and reorientation of the '*Demokratie Leben*' programme, which supports initiatives promoting diversity, tolerance and democracy for the period 2025-2032, by summer 2026<sup>174</sup>, which has drawn criticism from some stakeholders<sup>175</sup>. The engagement strategy for the voluntary sector adopted in December 2024 continues to be implemented, with stakeholders welcoming the round table with the Federal Chancellery established to discuss issues related to voluntary engagement in view of the 'Future Pact for Engagement'<sup>176</sup>

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<sup>169</sup> Country visit Germany, DIMR, GFF, Allianz Rechtssicherheit. European Civic Forum, Liberties (2026), written inputs, p. 4-9 and pp. 316-318, respectively. DIMR (2026), written input.

<sup>170</sup> Country visit Germany, Ministry of Justice. German Government (2026a), additional written input.

<sup>171</sup> European Civic Forum (2026), written input, p. 5. Liberties (2026), written input, p. 317.

<sup>172</sup> Maecenata Foundation (2025). European Civic Forum (2026), written input, pp. 4-5. In 2025, trust in NGOs declined to 40%, down by 2 percentage points compared to 2024. Edelman Trust Barometer (2025).

<sup>173</sup> See also a study by Maecenata Foundation (2026) showing that around 47% of all parliamentary questions during the current legislature mentioning CSOs engage in rhetoric delegitimising their activity (compared to 32% and 10% in the two preceding parliamentary terms). Liberties (2026), written input, p. 316.

<sup>174</sup> 2025 Rule of Law Report, pp. 18-19. European Civic Forum (2026), written input, p. 5. DIMR (2026), written input. CSOs note that recipients received in the most recent funding agreements more restrictive conditions, including as regards responsibilities for third parties (e.g. speakers at events) and requirements to pre-approve publications or statements with any political content. Country visit Germany, GFF, BBE.

<sup>175</sup> Country visit Germany, GFF, Allianz Rechtssicherheit, DIMR, Bündnis Bürgerschaftliches Engagement (BBE). BBE (2026).

<sup>176</sup> The "*Zukunftspakt Engagement*". Country visit Germany, BBE. 2025 Rule of Law Report, Germany, p. 19.

## Annex I: List of sources in alphabetical order\*

\* The list of contributions received in the context of the consultation for the 2026 Rule of Law Report can be found at [https://commission.europa.eu/publications/2026-rule-law-report-targeted-stakeholder-consultation\\_en](https://commission.europa.eu/publications/2026-rule-law-report-targeted-stakeholder-consultation_en).

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## **Annex II: Country visit to Germany**

The Commission services held virtual meetings in March and April 2026 with:

- *Abgeordnetenwatch*
- Allianz Rechtssicherheit
- ARD
- Association of Private Media (VAUNET)
- *Bündnis Bürgerschaftliches Engagement*
- Committee for EU Affairs of the Conference of the Justice Ministers
- Court of Audit [in writing]
- Federal Administrative Court [in writing]
- Federal Bar
- Federal Constitutional Court
- Federal Criminal Police Office
- Federal Supreme Court
- German Association of Journalists
- German Bar Association
- German Chamber of Industry and Commerce
- German Institute for Human Rights
- German Judges Association
- German Newspaper Publishers and Digitalpublishers Association
- *Gesellschaft für Freiheitsrechte*
- Joint Office of the Media Authorities and Media Authorities of the Länder
- Lobbycontrol Germany
- Media Association of the Free Press
- Ministry of Education, Family Affairs, Senior Citizens, Women and Youth
- Ministry of Finance
- Ministry of Foreign Affairs
- Ministry of Justice
- Ministry of State for Culture and Media
- Ministry of the Interior
- National Regulatory Control Council
- Parliament Administration
- Press Council
- Prosecution Service
- Transparency International Germany
- ZDF

\* The Commission also met the following organisations in a number of horizontal meetings:

- Civil Liberties Union for Europe
- Civil Society Europe
- End FGM EU
- European Civic Forum
- European Partnership for Democracy

- Human Rights Watch
- ILGA-Europe
- International Federation for Human Rights
- Philea - Philanthropy Europe Association
- Transparency International EU