

2025 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

The annual Rule of Law Report lies at the centre of the Annual Rule of Law Cycle, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, five editions of the Rule of Law Report have been published since 2020.

As every year, the Commission would like to invite the stakeholders to provide contributions to the 2025 Rule of Law Report. On the basis of these contributions and on-going developments, further targeted questions may be shared at a later stage of preparation of the 2025 Rule of Law Report, in particular in the context of country visits, or bilateral contacts.

The Commission invites stakeholders to provide contributions which include:

- (1) information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and**
- (2) any other significant developments since January 2024^[1] and up to the date of submission falling under the ‘type of information’ outlined below.**

The input should consist of a short summary, if possible in English, covering the areas referred to below. Legislation or other documents may be referenced with a link. Contributions should focus on significant developments since the last Rule of Law Report both as regards the legal framework and its implementation in practice.

If you would like to provide further specific **input related to the single market dimension in the Rule of Law report**, you can also respond to the additional targeted consultation available [here](#).

^[1] Unless the information was already submitted in the input for the previous Rule of Law Reports.

Type of information to be included:

Under each of the four pillars, the replies should include references to the following types of information:

A) Legislative developments

- Newly adopted legislation
- legislative drafts currently discussed in Parliament
- legislative plans envisaged by the Government

B) Policy developments

- Implementation of legislation
- evaluations, impact assessment, surveys
- white papers/strategies/actions plans/consultation processes
- follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- important administrative measures
- generalised practices

C) Developments related to the judiciary / independent authorities

- important case law by national courts
- important decision/opinions from independent bodies/authorities
- state of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, Prosecutor General, heads of independent authorities included in the scope of the request for input[2])

D) Any other relevant developments

- National authorities are free to add any further information, which they deem relevant; however, this should be short and to the point.

Please also indicate whether the developments reported are linked to the implementation of reforms and investments under the RRP, where applicable. To simplify your answers to the questionnaire, **if there are no developments, it is sufficient to indicate this** and the information covered in the contributions for the previous Rule of Law Reports does not need not be repeated.

[2] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

About you

* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☒ Civil society organisation/NGO
- ☐ International organisation
- ☐ Judicial association or network
- ☐ Media organisation or association
- ☐ Public authority or network of public authorities

☐ Other

* Organisation name

250 character(s) maximum

Reporters Without Borders (RSF)

Main Areas of Work

- ☐ Justice System
- ☐ Anti-corruption
- ☒ Media Pluralism
- ☐ Checks and Balances
- ☐ Other

Please insert an URL towards your organisation's main online presence or describe your organisation briefly:

500 character(s) maximum

<https://rsf.org/en>

Transparency register number

Check if your organisation is in the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making

612547127497-45

* Country of origin

Please indicate the country of origin of your organisation

- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☒ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta

- ☐ Netherlands
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden
- ☐ Other - please specify

First name

Julie

Surname

Majerczak

Email Address of the organisation

secretariat@rsf.org

*** Publication of your contribution and privacy settings**

You can choose whether you wish for your contribution to be published and whether you wish your details to be made public or to remain anonymous.

- ☐ Anonymous - Only your type of respondent, country of origin and contribution will be published. Organisation name, URL, transparency register number, first name and surname given above will not be published. **To maintain anonymity, please refrain from mentioning the name of your organisation and any details from which your organisation can be identified in the rest of your contribution.**
- ☒ Public - Your personal details (name, organisation name, transparency register number, country of origin) will be published with your contribution).
- ☐ No publication - Your contribution will not be published. Elements of your contribution may be referred to anonymously in documents produced by the Commission based on this consultation.

☒ I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2025 rule of law report.pdf](#)

Questions on horizontal developments

In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could be replicated. Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

[List of topics - 2025 Rule of Law Report.pdf](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

Questions for contribution

Under each pillar, you are invited to provide information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2024 Rule of Law Report and any other significant developments since January 2024 and up to the date of submission[3]. Please always include a link to and reference relevant legislation/documents (in the national language and/or where available, in English). **Significant developments** can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

Information provided in reply to the first question under each pillar, related to the follow-up to the recommendations, does not need to be repeated in subsequent parts of the questionnaire, but can be cross-referenced in the subsequent questions, where relevant. All other questions are not limited to the recommendations, but as in previous years, cover the entire scope of the Report.

[3] Unless already covered in the input for the previous Rule of Law Reports.

Member State/enlargement country covered in contribution [only one choice possible]

If you wish to submit information concerning several Member States/enlargement countries, please fill in the questionnaire separately for each country. There is no limit to the number of contributions submitted by a single participant.

- ☐ Albania
- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☒ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy

- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Montenegro
- ☐ Netherlands
- ☐ North Macedonia
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Serbia
- ☐ Slovakia
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the justice system (if applicable)

5000 character(s) maximum

A. Independence

Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

(The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts)

5000 character(s) maximum

Irremovability of judges, including transfers, (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

5000 character(s) maximum

Promotion of judges and prosecutors (incl. judicial review)

5000 character(s) maximum

Allocation of cases in courts

5000 character(s) maximum

Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

5000 character(s) maximum

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

5000 character(s) maximum

Independence/autonomy of the prosecution service

5000 character(s) maximum

Independence of the Bar (chamber/association of lawyers) and of lawyers

5000 character(s) maximum

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

5000 character(s) maximum

B. Quality of justice

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined in the introduction)

Accessibility of courts (e.g. court/legal fees, legal aid, language)

5000 character(s) maximum

Resources of the judiciary (human/financial/material), remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year)

(Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.)

5000 character(s) maximum

Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

5000 character(s) maximum

Digitalisation (e.g. use of digital technology, including electronic communication and AI tools, within the justice system and with court users, procedural rules, access to judgments online)

5000 character(s) maximum

Use of assessment tools and standards (e.g. ICT systems, including AI-based systems, for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

5000 character(s) maximum

Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialisation, in particular specific courts or chambers within courts to deal with fraud and corruption cases.

5000 character(s) maximum

C. Efficiency of the justice system

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section 2)

Developments related to efforts to improve the efficiency of the justice system (e.g. as regards length of proceedings)

5000 character(s) maximum

Any other developments related to the justice system - please specify

5000 character(s) maximum

II. Anti-Corruption Framework

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission's attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the anti-corruption framework (if applicable):

5000 character(s) maximum

A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

List any **changes** as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention, detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic and with foreign authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO

5000 character(s) maximum

Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption

5000 character(s) maximum

Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators

5000 character(s) maximum

B. Prevention

Measures to enhance integrity in the public sector (including as regards incompatibility rules, revolving doors, codes of conduct, ethics)

5000 character(s) maximum

Measures to enhance general transparency of public decision-making (including rules on lobbying, asset and interest disclosure rules, gifts policy, transparency of political party, financing)

5000 character(s) maximum

Measures to prevent conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned)

5000 character(s) maximum

--> For the three previous points, **please also provide information and figures on their application /enforcement**, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.)

Measures to ensure whistleblower protection and encourage reporting of corruption, including their application (i.e. number of reports received, and the follow-up given)

5000 character(s) maximum

Specific measures to enhance transparency, integrity and accountability in sectors with high risks of corruption, with a view to monitor and prevent corruption and conflict of interests, and where applicable measures to prevent and address corruption committed by organised crime groups.

Such high-risk sectors could include: public procurement, including construction, transport/infrastructure, defence, cohesion, agriculture, environment, healthcare, citizen/residence investor schemes, large-scale investments of national interest and the spending of EU funds, urban planning.

5000 character(s) maximum

C. Repression

The legal framework on the criminalisation and sanctions for corruption and related offences, including foreign bribery

5000 character(s) maximum

Official data on the number of investigations, prosecutions, final judgments and the application of sanctions for corruption offences (differentiated by offence if possible). Please indicate whether the cases: involve legal persons; are related to the implementation of EU or national funds; involve high level corruption. Please indicate which data is publicly available and how policy-making is informed by the data

5000 character(s) maximum

Potential obstacles identified in law or in practice to the investigation and prosecution of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

5000 character(s) maximum

Information on effectiveness of criminal and non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders

5000 character(s) maximum

Any other developments related to the anti-corruption framework - please specify

5000 character(s) maximum

III. Media pluralism and media freedom

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding media pluralism and media freedom (if applicable)

5000 character(s) maximum

Contrary to the recommendations, Germany has made no further progress on advancing with the plan to create 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. Even though apparently key points for a draft law have been circulated between different ministries, the government coalition could not come to an agreement before collapsing before the end of the legislative term.

Also contrary to the recommendation, Germany has made no progress on taking forward the plan to adapt the tax-exempt status for non-profit organisations with a view to address the challenges which the currently applicable rules present for their operation in practice, taking into account European standards on funding for civil society organisations. The last opportunity for a legislative solution in the current legislative term would have been the Steuerfortentwicklungsgesetz (Tax Reform Act, <https://dip.bundestag.de/vorgang/gesetz-zur-fortentwicklung-des-steuerrechts-und-zur-anpassung-des-einkommensteuertarifs/314887>), but the government coalition could not agree on taking the matter up in this context. A delegated legislation in the form of a Fiscal Code Application Decree (Anwendungserlass zur Abgabenordnung) which would have served as a non-binding guidance for the Länder tax authorities, has not been adopted either, apparently because the Federal Ministry of Finances could not come to an agreement with the Länder tax administrations about the wording. Contrary to the recommendations, Germany has made no further progress on advancing with the plan to create 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. Even though apparently key points for a draft law have been circulated between different ministries, the government coalition could not come to an agreement before collapsing before the end of the legislative term.

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A. Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

5000 character(s) maximum

German Media authorities are generally independent, thus complying with AVMSD requirements. However, political influence on the composition of supervisory bodies is a persistent problem. Since the Federal Constitutional Court verdict on the ZDF state treaty in 2014 (https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/DE/2014/03/fs20140325_1bvf000111.html), only 1/3 of the positions of the supervisory bodies may be held by representatives from the political sphere. This has resulted in inflationary large supervisory bodies with up to 60 members, as the quota was often met by enlarging the bodies. Notably, the supervisory bodies of German state broadcaster Deutsche Welle do still not meet the requirements of the Federal Constitutional Court verdict (however, as DW is not a public service broadcaster, but a state-owned one, the rules are not directly applicable).

As regards financing, based on the financial needs declared by the public service broadcasters, the Commission for the determination of the financial needs of public service broadcasters (KEF) recommended in February 2024 to raise the monthly licence fee for the public service broadcasters by 3.2% to EUR 18.94 from 2025 onwards. The German Länder have very little room to not follow that recommendation in their Interstate Treaty on Broadcast Fees (Rundfunkbeitragsstaatsvertrag), as it is the result of a calculation supposed to ensure sufficient resources for public service broadcasters («funktionsgerechte Finanzierung »), which is embedded in the German constitution and has only recently been confirmed by a Constitutional Court ruling (https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/DE/2021/07/rs20210720_1bvr275620.html). However, the Ministerial Conference of the Federal States (Ministerpräsidentenkonferenz), in October 2024, failed to agree on raising the levy, which led the public service broadcasters ARD and ZDF to take the matter to the German Constitutional Court (<https://www.tagesschau.de/inland/gesellschaft/ard-zdf-klage-karlsruhe-100.html>). This happened before, resulting in a decision in 2021 which required the Länder to adapt the Interstate Treaty on Broadcast Fees accordingly (<https://www.bundesverfassungsgericht.de/SharedDocs/Pressemitteilungen/DE/2021/bvg21-069.html>). In its last meeting in December 2024, the Ministerial Conference has still not raised the levy, but decided on a new policy about it. As the Ministerial Conference's decisions need to be ratified in all 26 Länder parliaments, there is an imminent danger of not reaching the necessary majorities in all of them for taking an unanimous decision. Therefore, in the future, it would only be possible to call the KEF recommendation into question if the raise of the levy is below 2% (<https://www.ministerpraesident.sachsen.de/ministerpraesident/TOP11-Reformstaatsvertrag-oeffentlich-rechtlicher-Rundfunk-Rundfunkbeitrag.pdf>). Obviously, this will not solve the problem, given the current rate of inflation and increase of prices, which is unlikely to result in levy raises below 2% (as indicated above, the figure was 3,2% in the latest KEF recommendation). Moreover, even this decision is only preliminary as it still has to be ratified in the Länder parliaments, and two of the Länder, Saxony-Anhalt and Bavaria, have issued a protocol declaration stating that they will only let the vote in their respective parliaments happen, if the public service broadcasters withdraw their complaint before the constitutional court. It is quite unique that the Länder governments openly refuse to comply with

constitutional court rulings, blaming the public service broadcasters instead for taking the matter to the constitutional court again.

Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

5000 character(s) maximum

The procedures are laid down in the media laws of the Länder. None of them give the government the power to arbitrarily dismiss directors or heads of the collegiate body of a media regulatory authority.

Existence and functions of media councils or other self-regulatory bodies

5000 character(s) maximum

Both the public service broadcasters and the private broadcasters have supervisory bodies that are independent. Civil society stakeholders are appointed as members, along with representatives from the political sphere (see above). The press sector is only governed by self-regulation. The German Press Council has the two main journalists' unions and the two main publishers' organisations in its board. There is a press codex that is widely accepted in the journalism sector (<https://www.presserat.de/pressekodex.html>). If violations of this codex appear, the press council can approve of complaints and issue reprimands. However, it has recently been criticised for not making its decisions about reprimands available in a searchable database, meaning that it is hardly possible to get an overview about which media regularly fail to comply with the press codex (<https://uebermedien.de/100918/der-presserat-macht-es-weiter-kuenstlich-schwer-nachzuschlagen-welche-medien-er-geruegt-hat/>). And as a self-regulatory body, the press council can not in any way sanction violations of its codex.

B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising

5000 character(s) maximum

In 2023, the German government spent a total of 84.696854 Euro for advertising and information campaigns. While a media ownership database already exists in Germany (<https://www.kek-online.de/mediendatenbank/#/>), it does not yet comply with art. 6 (1d) of the European Media Freedom Act, requiring the availability of information about "the total annual amount of public funds for state advertising allocated to them and the total annual amount of advertising revenues received from third-country public authorities or entities."

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their financial and operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions
- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

In Germany, there are no obligations for the media to adhere to editorial guidelines or even statutes that would determine policies in dealing with conflicts of interest. While many public service media nevertheless have such guidelines in place, it is not always the case for private media, especially in the print sector. It is especially uncommon to have established guidelines or statutes in collaboration with the editorial team. Safeguards to ensure editorial independence could include a definition of internal editorial decision-making processes, the right of an editorial team to veto new appointments to the editorial board and the appointment of an internal committee to deal with complaints from employees or recipients about violations of the editorial statutes or the principles of professional journalistic work such as truthfulness, independence, impartiality, etc.

The German Länder Media Treaties contain provisions safeguarding the independence of heads of management and governing boards both for private and public service broadcasting media. They also contain rules on obtaining broadcasting licences. While obtaining a broadcast licence is rather a formal requirement for media service providers, it comes with the obligation of respecting the rules of the Interstate Media Treaty (Medienstaatsvertrag), which has recently been reformed to include rules intended to restrict fake news. For instance, the regulatory authority can act in cases of « neglecting journalistic scrutiny » (Verstöße gegen die journalistische Sorgfaltspflicht) (https://www.die-medienanstalten.de/fileadmin/user_upload/Rechtsgrundlagen/Gesetze_Staatsvertraege/Medienstaatsvertrag_MStV.pdf).

Media Concentration Law includes thresholds as to when media ownership concentration is considered to have a negative impact on media pluralism (30%) (Zuschaueranteilsmodell, cf. <https://www.kek-online.de/medienkonzentration/mediennutzung/fernsehnutzung>). However, these rules apply only to the broadcasting world; there has been a long ongoing discussion on how far digital intermediaries should be addressed within this legal framework as well (https://www.bidt.digital/wp-content/uploads/sites/2/2022/08/bidt_Working-Paper_Vielfaltssicherung.pdf).

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners

While a national media ownership database exists already in Germany (<https://www.kek-online.de/mediendatenbank/#/>), it does not yet include the following information:

- whether and to what extent a government, state institution, state-owned company, public institution or public officials are among the beneficial owners;
 - business interests, connections or activities of media owners and their relatives who are known to have close relationships with politically exposed persons within the meaning of art. 3 No. 9, 10 and 11 of Directive (EU) 2015/849;
 - business interests, connections or activities of media owners and their relatives in other media or other companies;
 - other interests of media owners with potential significance for their strategic decisions or the editorial line.
- Also, there is no obligation for media service providers to provide the media ownership database with any information or to notify it of changes in their ownership and supervisory structure.

C. Framework for journalists' protection, transparency and access to documents

Rules and practices guaranteeing journalists' independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists

With regards to the protection of journalists and their sources and communications against spyware, Germany has not yet implemented the safeguards that have been introduced with art. 4 of the European Media Freedom Act. In essence, article 4 prohibits Member States from forcing journalists to disclose their sources or confidential communications, whether through detention, sanctions, office searches or the installation of spyware on their electronic devices. By way of derogation, such measures will only be authorised if they are justified on a case-by-case basis “by an overriding reason of public interest”, provided that they are proportionate, compliant with Union law and the EU Charter of Fundamental Rights, and subject to the prior authorization of an independent and impartial judicial authority. The threshold is even higher for the use of spyware: in addition to the conditions specified above, it must be justified for the purposes of investigating a number of specific criminal offenses.

Obviously, not all German security laws meet these high standards. For example, art. 49 of the Federal Criminal Police Law (Bundeskriminalamtgesetz, BKAG) does not contain the restrictions required by the EMFA. The same is true for the Act on the Restriction of the Confidentiality of Correspondence, Post and Telecommunications (Gesetz zur Beschränkung des Brief-, Post- und Fernmeldegeheimnis, G 10 Gesetz) or art. 34 of the Federal Intelligence Service Act (Gesetz über den Bundesnachrichtendienst, BNDG). RSF therefore suggests a comprehensive evaluation of all German security laws in order to determine whether or not they are in line with the ban on the use of spyware against media professionals enshrined in the EMFA. With EMFA being a regulation, the act is applicable directly and as a directly applicable regulation, the EMFA takes precedence over national laws, even when reference is made to the treaties of the European Union, which allow certain exceptions to primary law in favor of member state jurisdiction. These exceptions, such as art. 4 (2) sentence 3 of the EU Treaty (national security), must themselves be in line with EU law, as interpreted by the European Court of Justice in its “Privacy International” decision (EuGH, Urteil vom 06.10.2020, C-623/17 Privacy International: <https://curia.europa.eu/juris/document/document.jsf?text=&docid=232083&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=7776561>).

Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

5000 character(s) maximum

Unfortunately, the talks that journalists' and publishers' associations have engaged in with the Conference of the Ministers of Interior on the Länder level that are responsible for the police in Germany, have come to a standstill. The goal is the adjustment the already existing «Guidelines for journalists and police to avoid obstructions of the work of the police and safeguard free reporting » (Verhaltensgrundsätze für Presse /Rundfunk und Polizei zur Vermeidung von Behinderungen bei der Durchführung polizeilicher Aufgaben und der freien Ausübung der Berichterstattung (https://www.presserat.de/downloads.html?file=files/presserat/dokumente/download/Verhaltensgrundsaeetze_Presse_Polizei.pdf)). From the beginning on, progress has been very slow, due to an extensive need of reassurance about the legal implications of the MoU's content. Currently, the media representatives of these talks, under the roof of the German Press Council, have been waiting for the Länder side to react to a draft proposal for about a year.

RSF Germany is continuously monitoring attacks on journalists, but the data for 2024 is not consolidated at this point, so we can only give information about the year 2023.

For the calendar year 2023, RSF documented and verified a total of 41 attacks on media professionals and editorial offices. This represents a significant decrease in the number of attacks compared to the previous years: there were 103 attacks in 2022 and 80 in 2021.

Even if the numbers are falling, they remain comparatively high compared to the years before the pandemic: 22 media professionals were victims of violence in 2018, compared to just 13 in 2019. The fluctuation reflects the respective mood towards journalists in these years. There is still no stable reversal of the negative trend. There is also a high number of unreported cases. RSF collected many more cases of violence against media professionals in 2023 in addition to the figure of 41 assaults, but these could not be verified - mostly due to a lack of witnesses. Even a count with careful research cannot meet strict scientific or

legal criteria, as there are often only reports but no investigations or court proceedings. Nevertheless RSF, with extensive research and verification, to create a social overview that sheds as much light as possible on the dark field of violence against media professionals.

In 2023, kicks and punches, including with objects such as torches or drumsticks, were most common. These were considered attacks if they actually hit journalists' bodies or equipment. Equipment was also snatched from media workers, they were pulled to the ground, pelted with sand and stones or smeared with faeces.

A new form of attack on press freedom was particularly worrying in February 2024. RSF documented five cases in various cities in which the entrances to press distribution centers and printing plants were blocked with tractors, among other things, in night-time actions to prevent the delivery of newspapers (<https://www.reporter-ohne-grenzen.de/pressemitteilungen/meldung/proteste-blockieren-zeitungsauslieferungen>). The Hamburg newspaper distributor, the Allgäuer Zeitung, the Schwarzwälder Bote, the Nordsee-Zeitung and the Springer printing plant in Ahrensburg were affected. Most recently, on February 29, farmers blocked a printing center near Villingen-Schwenningen in Baden- Württemberg with tractors and dumped manure. The reason given at meetings was dissatisfaction with the reporting on the previous protest actions.

On January 8, 2024, a ruling by Berlin's Tiergarten District Court set an example against the prevailing impunity for violent attacks against media professionals (<https://www.tagesspiegel.de/berlin/prozess-um-angriff-auf-zdf-team-in-berlin-angeklagte-gestehen-und-sprechen-von-verwechslung-11015689.html>). On the fringes of a lateral thinking movement demonstration on May 1, around twenty masked men attacked a ZDF heute-show team near Berlin's Alexanderplatz, beating and kicking them with metal rods. Two of those injured temporarily lost consciousness. Three men and one woman have now been sentenced by the Tiergarten district court to two years in prison on probation and a fine of 5,000 euros each as compensation for the injured reporters and security staff. Other accomplices remained unidentified.

Access to information and public documents by public at large and journalists (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

5000 character(s) maximum

Journalists and publishers have long spoken out in favour of a federal law regulating access to information from federal authorities for press representatives (« Presseauskunftsrecht gegenüber Bundesbehörden »). While such laws exist at the Länder level, they have not yet been put in place at the federal level. The need for such regulation appeared to be uncontroversial in the government coalition, as all three involved parties had previously drafted such legislation when they were in opposition. The coalition contract also clearly stated that such a law would come. Even though apparently key points for a draft law have been circulated between different ministries, the government coalition could not come to an agreement before collapsing well before the end of the legislative term.

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

5000 character(s) maximum

The number of SLAPPs in Germany appears to be relatively low, especially in comparison to Eastern European countries. Unfortunately, there is no comprehensive documentation of SLAPP cases in Germany, which is partly due to the difficulty of categorising legal proceedings as abusive or manifestly unfounded in a waterproof way. This does not mean, however, that legal actions against journalists do not represent a problem in Germany. In May 2024, the NGO Blueprint for Free Speech, in cooperation with Reporters

Without Borders Germany, the two journalists' unions dju and DJV and the NGOs Frag Den Staat and Aktion gegen Arbeitsunrecht have created the No-SLAPP-Anlaufstelle (<https://www.noslapp.de/>), a civil society contact point for SLAPP victims. By November 2024, the Anlaufstelle has received around 20 support requests from individual journalists, environmental activists and other civil society stakeholders that had been intimidated by legal threats. This number is exceeding the number of cases documented by the European Anti-Slapp-coalition CASE that is documenting clearcut court SLAPP cases, but does not take cases into account that have not (yet) taken the form of legal proceedings. The Anlaufstelle has financial support from the German government (Federal Government Commissioner for Culture and the Media, BKM), but only for two years. If it is expected to establish a continuous monitoring of SLAPP cases in Germany, the Anlaufstelle will have to be provided with additional funding.

The German government has not yet taken any steps to implement the EU Anti-Slapp-Directive in Germany. Reporters Without Borders Germany has provided the Ministry of Justice with an analysis of existing legal safeguards against SLAPPs in German legislation as well as recommendations on how to best implement the Directive safeguards in the national context (<https://www.reporter-ohne-grenzen.de/pressemitteilungen/meldung/diese-rsf-empfehlungen-schuetzen-vor-slapp-klagen>).

Any other developments related to media pluralism and freedom - please specify

5000 character(s) maximum

Germany is ranked 10 out of 180 countries in RSF's 2024 World Press Freedom Index.

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the system of checks and balances (if applicable)

5000 character(s) maximum

A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'^[1]public consultations (including rules and practices on the transparent participation of civil society to policy development and decision-making processes), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase

[1] This includes also the consultation of social partners

5000 character(s) maximum

Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

5000 character(s) maximum

Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight

5000 character(s) maximum

Regime for constitutional review of laws

5000 character(s) maximum

B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

(Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>)

5000 character(s) maximum

Statistics/reports concerning the follow-up to recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years

5000 character(s) maximum

C. Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

5000 character(s) maximum

Judicial review of administrative decisions: short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review)

5000 character(s) maximum

Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)

5000 character(s) maximum

Implementation of final judgments by the public administration and State institutions and follow-up given to supranational judgments, including decisions from the European Court of Human Rights, as well as available remedies in case of non-implementation

5000 character(s) maximum

D. The enabling framework for civil society

Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration, transparency and dissolution rules)

5000 character(s) maximum

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures to protect them from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services, as well as available remedies

5000 character(s) maximum

Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

5000 character(s) maximum

E. Initiatives to foster a rule of law culture

If there have been developments related to initiatives to foster a rule of law culture, please specify, which (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, education initiatives, etc.)

5000 character(s) maximum

Any other developments related to the system of checks and balances - please specify

5000 character(s) maximum

Supporting document upload

If you would like to submit any supporting document(s) to your contribution, please upload your file(s) here

Contact

rule-of-law-network@ec.europa.eu