

2026 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, six 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 2026 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 2026 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) developments and measures taken in relation to the recommendations in the 2025 report,
(2) developments related to topics covered in the 2025 country chapters, as well as any other new developments related to the rule of law.

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.

This questionnaire also integrates the separate questionnaire on the single market from last year. In addition to these specific questions, respondents to the questionnaire are invited to consider the Single Market dimension, including any relevant cross-border issues, in all their answers.

Where questions of particular relevance under the single market dimension, this is indicated before the relevant question.

[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 and enforcement 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.

Where relevant, please also indicate whether the developments reported are linked to the implementation of reforms and investments under the national Recovery Resilience Plan. 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.

* 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

Deutscher Richterbund

Main Areas of Work

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

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

500 character(s) maximum

www.drb.de

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

3644916703-20

* 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

Astrid

Surname

Bode

Email Address of the organisation

info@drb.de

* 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 as we will not be able to guarantee anonymisation of these elements.**
- ☒ 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 2026 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 for contribution.docx](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

Regarding horizontal developments in other European countries we would like to refer to the statement of the European Association of Judges (EAJ).

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 2025 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2025 Rule of Law Report and any other significant developments since January 2025 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 2025 Report regarding the justice system (if applicable)

5000 character(s) maximum

In the 2025 rule of law report the Commission recommended to take measures to increase the resources of the judiciary and address recruitment challenges, taking into account European standards on resources for the justice system.

With the announced new edition of the so-called Pact for the Rule of Law, the federal government wants to provide the states (Länder) with a total of nearly 500 million euros—for more personnel and accelerated digitalization of the justice system. During this legislative period, 240 million euros are to be made available nationwide to strengthen the personnel resources of the judiciary. The payments to the federal states are scheduled for 2026 and 2028. Additionally, up to 210 million euros are planned for the period from 2027 to 2029 to specifically modernize the digital infrastructure of the judiciary. At the beginning of 2026 discussions between the federal and state governments on the specific details of the rule of law pact were still ongoing.

In November 2025 the Federal Constitutional Court published its long-expected follow-up decision on the remuneration of public officials. It held that the remuneration in the vast majority of civil service positions in the Land Berlin was – over several years – unconstitutionally low.

A large wave of retirements is approaching the German judiciary. Thousands of judges and prosecutors across Germany will be leaving the service by 2033 especially in the Eastern federal states. Although the wave of retirements is only just the beginning, many federal states have already in 2025 and the years before (partly significantly) lowered their requirements for applications in order to expand the pool of candidates, particularly for the public prosecutor's service.

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

Regarding the last year mentioned procedure on the appointment of the president of the Münster Higher Administrative Court after a four-year vacancy a new president was appointed on 13th of August 2025. Several court decisions were made – including by the Federal Constitutional Court. A parliamentary committee of inquiry in the Düsseldorf state parliament is still investigating the appointment procedure (<https://www.lto.de/recht/nachrichten/n/ovg-nrw-praesident-bverwg-richter-carsten-guenther-tritt-amt-an> / <https://www1.wdr.de/nachrichten/landespolitik/carsten-guenther-ovg-praesident-100.html>)

For months, the AfD in Thuringia has been blocking the urgently needed reappointment of the selection committees for judges and prosecutors after the state parliamentary elections of 2024. Nonetheless, the selection committee in the composition from the previous legislative term appointed several judges and prosecutors. At the beginning of a legislative term, the selection committees are actually supposed to be filled with new members of the state parliament – this has not been possible since the new “Brombeer” government (CDU, SPD, BSW) took office in autumn 2024. Legally, this step is quite delicate, as the legitimacy of the old committee and its functioning as a transitional body is disputed and could create an uncertain situation. If it turns out that the judicial selection committee was unconstitutionally constituted in its transitional form, follow-up questions could arise regarding the validity of judicial appointments and the court decisions made by those judges or even the appointment itself. This could pose a risk to the reputation of the judiciary (<https://www.lto.de/recht/justiz/j/thueringen-justiz-afd-blockade-richterwahlausschuss-tagt-lebenszeit-ernennung-risiko>).

Some federal states have lowered their requirements for applications in order to attract more candidates, particularly for the public prosecutor’s service. For example, Baden-Württemberg has begun to fill some of the new positions in the public prosecutor’s offices with lawyers who have not met the standard hiring requirements. Around 20 people per year are to be hired as public prosecutors at a somewhat lower level (“Amtsanwältin” or “Amtsanwalt”) if they have generally achieved seven points in both state examinations. If they perform well, they can be transferred to the position of an ordinary public prosecutor (“Staatsanwältin” or “Staatsanwalt”) in the so-called higher judicial service after three years (https://www.landtag-bw.de/resource/blob/576036/51d6330f68f9ee1e2c7c86d185af419a/17_8869_D.pdf)

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

In Berlin for example, public prosecutors can postpone retirement by up to three years, but not beyond the age of 69 or 70; during the transitional phase, retirement can be postponed by a maximum of three years, i.e., not until 70. The prerequisite is the existence of an official interest, which may include organizational, personnel, and fiscal interests. In a few Länder (Hamburg, Brandenburg, Bremen, Hessen, Mecklenburg-Vorpommern, Niedersachsen und Sachsen) such a provision also applies to judges. North Rhine-Westphalia is planning to introduce such an option. In most of these Länder, however, the extension depends on the existence of an official interest, or at least it is required that there are no compelling official reasons against it.

Promotion of judges and prosecutors (incl. judicial review)

5000 character(s) maximum

No significant developments

Allocation of cases in courts

5000 character(s) maximum

No significant developments

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

Not applicable for Germany. There is no Council for the Judiciary.

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

No significant developments

Independence/autonomy of the prosecution service

5000 character(s) maximum

A draft bill by the former Federal Minister of Justice proposed a reform of the right to issue instructions under Section 146 of the Courts Constitution Act (GVG). According to this draft, instructions from the respective Ministers of Justice would only have been possible "to prevent unlawful decisions", "where there is room for decision or assessment in factual or legal terms", or "in the area of discretionary powers." Considerations unrelated to the administration of justice would have been explicitly excluded. The draft also would have provided for a documentation requirement: instructions could only be issued in writing and needed a written justification. However, the draft bill was not passed before the end of the legislative period.

The current Federal Ministry of Justice does not see any need to amend Sections 146 et seq. of the Courts Constitution Act (GVG).

However, on the level of the Länder positive development took place. In February 2025, Brandenburg introduced new transparency regulations regarding the right to issue instructions to the public prosecutor's office: the order on reporting obligations in criminal matters was revised and supplemented by a transparency provision. Written instructions issued by the Ministry of Justice to public prosecutors must now be in written form and filed (<https://rsw.beck.de/aktuell/daily/meldung/detail/weisungen-staatsanwaltschaften-brandenburg-transparenzregelung>).

By directive dated January 2, 2026, the Minister of Justice of the Land of Mecklenburg-Western Pomerania suspended the right to issue instructions to public prosecutors (<https://www.lto.de/recht/justiz/j/erlass-mecklenburg-vorpommern-externes-weisungsrecht-justizminister-staatsanwaltschaft> / <https://www.ndr.de/nachrichten/mecklenburg-vorpommern/keine-weisungen-mv-justizministerin-laesst-staatsanwaltschaften-freie-hand,weisungsrecht-100.html>).

In the opinion of the German Association of Judges, the ministerial right to issue individual instructions in no way complies with European law, it is not required under constitutional law and it contradicts the requirements for a "weatherproof" judiciary. This is because in the wrong hands, the power of the ministries to issue instructions would be fatal. Maintaining the status of the Attorney General as a political civil servant is also not in keeping with the times and contradicts a specific right to issue instructions.

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

5000 character(s) maximum

Not within the expertise of our association.

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

5000 character(s) maximum

The development in Thuringia potentially may have negative effects on the public perception of the independence of the judiciary.

In July 2025, a decision of the Administrative Court of Berlin was issued stating that the rejection of asylum seekers at German borders is (EU-) unlawful. This was followed by a social media backlash, during which the presiding judge was accused of an allegedly inappropriate closeness to the Green Party – it was insinuated that the decision was made for political rather than legal reasons.

The failed election of Frauke Brosius-Gersdorf to the Federal Constitutional Court in the summer of 2025 also serves as a (negative) example that the protection of the reputation of courts is giving way to a creeping logic of the politicization of judicial decisions and judicial appointments. Such politicization is accompanied by growing mistrust towards the judiciary and its representatives.

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)

[single market relevance] Accessibility of courts (e.g. court/legal fees, legal aid, language)

5000 character(s) maximum

The Civil Procedure Code (§ 1122 ZPO) has been amended in order to allow the Länder the testing of certain civil proceedings, which are conducted entirely online. The online civil court procedure is intended a.o. to enable citizens to assert their claims in cases involving low amounts in dispute in a user-friendly, accessible and digitally supported court procedure.

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

Resources: As already stated in last years contribution, there is a nationwide shortage of around 2,000 public prosecutors and criminal judges. As a result, criminal proceedings are taking increasingly longer, and overburdened public prosecutor's offices have to drop cases more frequently. There are almost one million pending files in these offices. In 2024, for the second year in a row, public prosecutors received around 5.5 million new cases. This is about 515,000 more proceedings than in 2020. By the end of 2024 around 950,000 unresolved cases had piled up at the offices—around 240,000 more than in 2020. In 2024, only one out of every sixteen cases resulted in an indictment before the court, whereas in 2014 it was still one out of every ten. The situation is particularly dramatic in Hamburg, where the number of open cases has almost tripled since 2021. Investigators there will have to cope with an increase of 181 per cent from 22,900 cases at the end of 2021 to 64,404 by mid-2025 (<https://www.richterverein.de/presse/nachrichten/nachricht/news/hriv-presseerklaerung-nr-1-2025>). North Rhine-Westphalia reports the highest number of open cases nationwide as of 30 June 2025, with just under 267,000 cases, an increase of around 40 per cent compared to the end of 2021. The DRB regional association speaks of a shortage of 460 prosecutors (<https://www1.wdr.de/nachrichten/landespolitik/ueberlastete-justiz-noch-nie-so-viele-offene-ermittlungsverfahren-100.html> / <https://www.drb.de/newsroom/presse-mediencenter/nachrichten-auf-einen-blick/nachricht/news/staatsanwaltschaften-am-limit-1>). In July 2025 the Federal Ministry of Justice announced the establishment of a new so-called “Pact for the Rule of Law” with a total amount of 240 million euros to be made available during this legislative period to strengthen the judiciary's personnel. The funds were to be provided to the federal states in two tranches, presumably in 2026 and 2028. To accelerate digitalization, up to 210 million euros in total – 70 million euros per year – were promised to be allocated for the years 2027 to 2029. The specific use of these funds still needs to be coordinated with the federal states. The negotiations between the federal government and the states for a new Pact are ongoing. The ifo Institute for Economic Research examined how the financial resources of the judiciary have developed since 2000. To do this, the Institute analyzed budget data from the federal government and the states. A key finding: Over the years there have been nominal increases in judicial expenditures. However, these increases have been offset by inflation, so that the real judicial expenditures of the federal states in 2023, on average, have fallen back to the level of 2015 (<https://www.ifo.de/pressemitteilung/2025-11-07/weniger-geld-fuer-justiz-deutschland>).

Remuneration: In Nov. 2025 the Federal Constitutional Court published its long-expected follow-up decision on the remuneration of public officials. It held that the remuneration in the vast majority of civil service positions in the Land Berlin was – over several years – unconstitutionally low. This decision is also applicable for judges and public prosecutors. The court introduced some changes in its reasoning which appear rather technical on their face but are also designed to facilitate decisions and accelerate proceedings. On essence, however, it seems the court has limited its review of remuneration and referred the issue back to the legislature as a question primarily of political and budget concerns. In doing so the court has explicitly refused to compare the level of remuneration of public officials with the level of income in the private sector (sect. 104 of the reasoning). It only left that option open for certain posts which are still to be specified; but it noticed that such an exception could concern especially judges and public prosecutors. Therefore the question remains to be answered what role the European standards for remuneration of judges and public prosecutors play in German constitutional law. In a wider perspective the court strengthened the political responsibility for remunerations but still tries to balance it with requirements of European law and the ban on strikes. Apart from that no significant developments took place because many actors were waiting for the court's decision. On the federal level legislation widely stalled due to elections and the entrance of a new coalition. On the level of the Länder there was no new phase of collective bargaining. Due to previous legislation remuneration increased in February in most Länder by 5.5 % after 0 % increase in 2024. According to the calculations of the German Judges Association the remuneration of judges and public prosecutors of courts of first instance equals approx. 125 % of the average salaries of all full-time working employees and approx. 75 % of average salaries of full-time working employees with a master-degree or equivalent.

[single market relevance] Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

5000 character(s) maximum

No significant developments

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

Positive developments: From 1 January 2026, all courts and public prosecutor's offices in Germany are required to conduct new cases electronically. The E-Justice Council has adopted a cross-state strategy for the digitalization of the justice system ("digital strategy"). This aims to enable applications and requests from citizens, companies, or other parties seeking justice to be submitted and processed digitally. Internal workflows within the justice system are also to make greater use of digital technologies and artificial intelligence (AI) (https://www.bmjbv.de/DE/themen/digitales/digitalisierung_justiz/digitalisierungsinitiative/digitalisierungsinitiative_node.html%3E).

Negative developments: Saxony-Anhalt is the (only) Land that misses the federal deadline for switching to e-files. By way of an exemption, Saxony-Anhalt has time until 31 December 2026 to introduce the electronic court file. It is not expected that it will succeed. This development also weakens the public confidence in the rule of law.

Overall, the federal states will not only have to spend more money more quickly, but also employ more staff in order to avoid bringing products in 2035 that are at the 2025 level. Moreover, the fragmentation of systems across the federal states must be eliminated.

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

There are several (not conclusive) IT-projects concerning court filing, case triaging and case management, live transcription and translation. There are also several projects on the federal level, e.g. Justice cloud, online proceedings in civil cases, information portal etc. (https://www.bmjbv.de/DE/themen/digitales/digitalisierung_justiz/digitalisierungsinitiative/digitalisierungsinitiative_node.html%3E).

Leading legal publishers offer AI-supported legal research tools including the use of chatbots (Juris, KI, Beck, Chat). Some federal states have given their judges access to these paid services and also offered training in how to use AI. At first glance, the experiences seem to be positive.

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

As of January 1, 2026, the local court will now have first-instance jurisdiction for disputes with a value of up to and including 10,000 euros (§ 23 GVG) (<https://www.recht.bund.de/bgbl/1/2025/318/VO>). Furthermore, as of 1 January 2026, a number of new special jurisdictions will apply regardless of the amount in dispute: For example, from that date, neighborhood disputes will be assigned to the local courts irrespective of the amount in dispute, while disputes arising from medical treatments, procurement matters, and publication disputes will fall under the jurisdiction of the regional courts.

The value threshold for appeals and complaints in civil matters and in property-related matters under the Act on Proceedings in Family Matters and in Matters of Voluntary Jurisdiction (FamFG) will increase from the current 600 euros to 1,000 euros. The value threshold for non-admission complaints to the Federal Court of Justice will rise from 20,000 euros to 25,000 euros, and the value threshold for cost complaints will increase from 200 euros to 300 euros.

The German Judges Association welcomes this development in principle. However, it is essential to emphasize that this change must not be accompanied by reduction in the number of judges. Transferring cases to the local courts leads to a merely statistical reduction in the workload of the judiciary (because cases at the local courts are considered to be less demanding), even though the overall workload of the judiciary has remained unchanged.

As stated in last year's contribution the government of Schleswig-Holstein intended to centralize labor and social courts at a single location. After massive criticism, the plan was changed. With the reform the number of specialized courts will be reduced to 10 instead of the previous 17 (<https://www.ndr.de/nachrichten/schleswig-holstein/justizreform-fuer-schleswig-holstein-kommt-das-ist-geplant,justiz-118.html>).

[single market relevance] Specialisation (of judges/specific courts/chambers within courts) and training for the judiciary to deal with commercial cases, as well as alternative dispute resolution mechanisms and mediation as regards commercial cases.

5000 character(s) maximum

In 2025, nine states established commercial courts on the level of the higher regional courts. All these commercial courts deal with commercial cases with an amount in dispute of at least 500.000,00 €, however the exact area and degree of specialisation varies from state to state. Several lawsuits have already been brought before different commercial courts in their capacity as court of first instance. Six states additionally established commercial chambers on the level of the regional courts.

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 in the introduction)

[single market relevance] Developments related to efforts to improve the efficiency of the justice system (e.g. as regards length of proceedings, to address backlogs)

5000 character(s) maximum

The duration of proceedings in civil cases with controversial judgements has increased in Germany (<https://www.destatis.de/DE/Themen/Staat/Justiz-Rechtspflege/Publikationen/Downloads-Gerichte/statistischer-bericht-zivilgerichte-2100210247005.html> (Zivilgerichte)).

Also the figures from the Federal Statistical Office on the work of the criminal justice system still show a trend

towards longer proceedings (https://www.destatis.de/DE/Themen/Staat/Justiz-Rechtspflege/_inhalt.html#234460 (Strafgerichte)).

For the figures of the public prosecutor's offices see under B. Quality/Resources.

The duration of administrative court proceedings in Germany averages 11–13 months for administrative courts and 17–18 months for higher administrative courts. <https://www.destatis.de/DE/Themen/Staat/Justiz-Rechtspflege/Publikationen/Downloads-Gerichte/statistischer-bericht-verwaltungsgerichte-2100240227005.html> (Verwaltungsgerichte)

In January 2025, the Reform Commission 'Civil Procedure of the Future' presented its final report with specific recommendations for action to modernize civil proceedings. Since July 2024 it reviewed civil procedural law against the backdrop of advancing digitalisation. In addition to the Federal Ministry of Justice and the state justice administrations, the commission also included representatives from academia, the legal profession, the judiciary and other interest groups (https://www.bmjv.de/SharedDocs/Publikationen/DE/Fachpublikationen/2025_Abschlussbereich_Reformkommission_Zivilprozess.html?nn=17134).

In September 2025, the Federal Minister of Justice has launched an expert commission on criminal procedure code. It is tasked with developing proposals for reforming criminal procedure by autumn 2026. The commission's work will focus on the question of how criminal trials can be conducted more quickly and efficiently without compromising fundamental principles of due process (https://www.bmjv.de/SharedDocs/Pressemitteilungen/DE/2025/0925_StPo_Expertenkommission.html).

Any other developments related to the justice system - please specify

5000 character(s) maximum

A so-called Justice Project, initiated by the open access legal forum Verfassungsblog, has identified weaknesses and developed scenarios showing how and where the justice system could be attacked in around 70 research discussions with experts from the field since January. The project follows on from Verfassungsblog's multi-award-winning Thuringia project, which analysed the resilience of democracy and the rule of law in Thuringia.

<https://verfassungsblog.de/justiz-projekt/>

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 2025 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/specialised 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 in particular as regards high-level officials (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 if available to you**, 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

[single market relevance] 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, investor residence schemes, large-scale investments of national interest and the spending of EU funds, urban planning.*
- *In particular, measures to mitigate high risks of corruption in the area of public procurement, such as enhancing transparency and oversight (for example through digital technologies) and promoting fair competition and accountability in public procurement (e.g. targeted actions to address the high share of single bids) and measures to guarantee the effective and independent functioning of the public procurement review bodies.*

5000 character(s) maximum

[single market relevance] Measures for the prevention of corruption in relation to the issuing of official permits (e.g. related to environment, energy, service provision and various types of construction)

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 2025 Report regarding media pluralism and media freedom (if applicable)

5000 character(s) maximum

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

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

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

5000 character(s) maximum

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

[single market relevance] Measures taken to ensure the fair and transparent allocation of state advertising

5000 character(s) maximum

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
- **[single market relevance]** 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

5000 character(s) maximum

[single market relevance] Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

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

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

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

5000 character(s) maximum

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2025 Report regarding the system of checks and balances (if applicable)

5000 character(s) maximum

A. The process for preparing, enacting and implementing laws

[single market relevance] Framework, policy and use of impact assessments and evidence based policy-making, stakeholders*/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 in the preparatory, the parliamentary and implementation phase (including guidance on how to implement legislation)

* This includes also the consultation of social partners

5000 character(s) maximum

No significant developments

[single market relevance] 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

[single market relevance] Safeguards to ensure legal certainty, the stability of the legal framework and non-discrimination.

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 (including effective access to relevant data) 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

Not within the expertise of our Association

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

5000 character(s) maximum

[single market relevance] Safeguards to ensure the effective independence of supervisory and regulatory authorities with a direct impact on economic operators such as national economic oversight, enforcement and competition authorities

C. Accessibility and judicial review of administrative decisions

[single market relevance] Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data) and respect of the good administration principle (including the obligation of the administration to give reasons for decisions)

5000 character(s) maximum

No significant developments

[single market relevance] 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

[single market relevance] Safeguards (other than judicial review) regarding decisions or inaction of administrative authorities, including remedies (e.g. administrative review)

5000 character(s) maximum

[single market relevance] 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

No significant developments

[single market relevance] 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

No significant developments

Oversight, including by courts, of the use of intrusive surveillance software by national authorities

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

Not within the expertise of our association, no significant developments known.

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

The ministries of justice of all 16 federal states have launched a nationwide campaign to promote the rule of law and attract new talent. The initiative is titled "Unser Recht braucht Dich" ("Our Law Needs You") and, for the first time, jointly highlights the importance of the judiciary for the rule of law as well as the appeal and impact of the diverse professions within the justice system (<https://unserrechtbrauchtdich.de/>)

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

5000 character(s) maximum

Cross-pillar elements: cross-border rule of law issues related to the Single Market

If there are any significant challenges concerning the Single Market you have been facing in a cross-border context relating to any of the four pillars of the report, including for example issues with market access and the conditions for economic activities, that you would like to highlight, please do so here.

Given the cross-cutting nature of this question, it is included as a separate section in the questionnaire. Information collected under this question will however be integrated under the relevant existing pillar(s) of the Report.

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