

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

Transparency International Germany

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

<https://www.transparency.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

n/a

* 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

Sarina

Surname

Korte

Email Address of the organisation

office@transparency.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

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

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

A specific German problem is that the allocation of cases is – in part – dependent on the amount in dispute (Streitwert). Apart from clear payment suits, there is broad discretion of the courts to either increase or decrease the value which is allocated to a specific case. By increasing, a lower court judge in the Amtsgericht can refer the case to the Landgericht – and thereby increase costs and risks for the parties and at least extend the proceeding. Higher instance courts, on the other hand, can decrease the allocated value in dispute with the consequence that access to the Supreme Court (Bundesgerichtshof) is practically impossible. A possible solution could be to separate the power to allocate the value in dispute in such cases from the court deciding on the merits.

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)

[single market relevance] 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

Germany faces a decline in caseload of the courts, but an increase in complexity of the remaining ones. Particularly in cases involving corruption and related financial issues, the courts' and prosecutors' ability (and willingness) to act is, therefore, limited.

[single market relevance] 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

[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

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

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 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

[also under 'Measures to prevent conflicts of interest in the public sector']

Revolving doors

No extensions or reforms of the existing cooling-off period rules are in sight, nor were any such changes introduced over the past year. The existing rules therefore continue to apply: former members of the Federal Government are required to declare any professional activities undertaken outside the public service for up to 18 months after leaving office. The Federal Government may prohibit such activities for up to twelve months as a rule, and in severe cases for up to 18 months after the end of the office. To effectively prevent conflicts of interest, longer cooling-off periods are necessary, which, for example, also exist at the EU level. Transparency International Germany has long called for a cooling-off period of three years whenever there is even the appearance of a connection between activities performed while in office and any employment taken up after leaving public service.

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

Freedom of Information Legislation

It is with great concern that we see that parts of the current leading coalition want to reduce the impact and field of application of the federal Freedom of Information Act (Informationsfreiheitsgesetz). Attempts to abolish the Freedom of Information Act (Informationsfreiheitsgesetz, IFG) were made during the coalition negotiations in March 2025, but these were prevented due to strong pressure from civil society and journalists' associations. The coalition agreement of the current government foresees reforms to both the Freedom of Information Act (IFG) (page 59, line 1895) and the Environmental Information Act (UIG) (page 42, line 1355). Initial activities by the responsible authorities are currently underway.

Executive footprint

On 1 June 2024, the government introduced an executive footprint to make the influence of interest representatives on executive procedures more transparent. Rather than being enshrined in law, the executive footprint is regulated only through the joint rules of procedure of the federal ministries, with no independent authority assessing the significance of external influence. We recommend transitioning from procedural rules to law-based regulation and establishing an independent authority to oversee proper and compliant management of the executive footprint.

Our assessment of 120 laws adopted during the first year after the executive footprint's implementation shows that, in large parts, the legislator has not fulfilled its obligation to present external influence on legislative procedures in a transparent and publicly comprehensible manner. In 93% of the cases, the executive footprint was either not mentioned at all (71%) or any significant external influence was categorically denied (22%). A recent analysis has extended the timeframe of the assessment (May to December 2025), covering the term of the new government under Chancellor Friedrich Merz. The findings indicate slight improvements; however, the overall trend remains unchanged.

Political Party Financing

In accordance with an existing regulatory framework (Parteiengesetz, § 25 Donation) political parties may accept party donations. The regulatory framework contains certain disclosure requirements, bans on certain forms of donations exist as well. However, the existing regulatory framework does not effectively capture conduit contributions that are intended to obscure the identity of the original donor. The framework should require that donations intended to support a political party be made directly to that party. Channeling donations through third parties creates gaps in the traceability of financial flows and in the detectability of violations of disclosure requirements and prohibitions under party law—whether intentional or unintentional. To enable the identification of such violations, the independent oversight body for party financing should therefore be granted the necessary powers to investigate pass-through donations.

The lack of transparency in political party financing through conduit contributions became evident in the run-up to, and during the founding phases of, the parties Bündnis Sahra Wagenknecht (BSW) and WerteUnion (WU). Registered associations were active whose stated aim was to support these parties by independently raising funds for their political work and forwarding them to the parties. BSW and WU reported receiving large donations from their respective support associations to the President of the Bundestag and the Bundestag administration, listing these associations as the donors. This form of donation transfer obscures the identity of the natural or legal person who originally acted as the donor.

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

Conflict of Interest

Under the current Federal Government, no tendencies can be observed that would suggest a substantial tightening of rules to prevent conflicts of interest. This also applies to the disclosure of corporate shareholdings by members of the government as a means of preventing conflicts of interest. While Members of the Bundestag have been required since 2021, under the Members of Parliament Act (Abgeordnetengesetz), to declare corporate shareholdings above a threshold of 5%, this requirement does not apply to members of the Federal Government. Aligning the rules for government members with those applicable to Members of Parliament has

long been a recommendation of GRECO.

The issue of non-disclosure of corporate shareholdings by members of the Federal Government gained public attention in October 2025, after it became known that Minister of State Wolfram Weimer continued to hold shares in his company, Weimer Media Group. This company organized the “Ludwig Erhard Summit,” an event at which participation fees of up to EUR 80,000 were charged for meetings with political decision-makers, thereby enabling paying participants to obtain direct access.

Cooling-off Periods

In addition, no extensions or reforms of the existing cooling-off period rules are in sight, nor were any such changes introduced over the past year. The existing rules therefore continue to apply: former members of the Federal Government are required to declare any professional activities undertaken outside the public service for up to 18 months after leaving office. The Federal Government may prohibit such activities for up to twelve months as a rule, and in severe cases for up to 18 months after the end of the office. To effectively prevent conflicts of interest, longer cooling-off periods are necessary, which, for example, also exist at the EU level. Transparency International Germany has long called for a cooling-off period of three years whenever there is even the appearance of a connection between activities performed while in office and any employment taken up after leaving public service.

--> 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

The Act for the Better Protection of Whistleblowers, which entered into force in July 2023, was originally scheduled for an external evaluation two years later, in 2025. However, the evaluation did not proceed as planned due to a lack of budgetary allocations. It was subsequently postponed to shortly after the adoption of the 2025 Federal Budget. However, until today, the evaluation has still not taken place.

[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

Public Procurement and Defence

There is also significant concern regarding the reform processes in the area of public procurement that have been accelerated by the new government since May 2025. These include, on the one hand, a legislative package aimed at speeding up the award of public contracts and, on the other hand, measures to accelerate planning and procurement for the Bundeswehr. The latter includes, among other things, raising the value threshold for direct awards by the federal government to EUR 50,000. In addition, reductions in documentation and verification requirements, as well as the acceleration of review procedures, are envisaged. However, these legal adjustments entail substantial risks of increased corruption. Moreover, the Federal Government is already planning further amendments to procurement law. The federal and state governments are currently examining whether, in the area of below-threshold procurement, the value limits for direct awards of supply, service and construction contracts be substantially increased. The German state of Hesse recently announced a considerable increase in the procurement thresholds for public contracting authorities. In the future, supply and service contracts of up to EUR 100,000 and construction contracts of up to EUR 750,000 may be awarded directly without conducting a procurement procedure. Until now, the standard threshold had been EUR 10,000.

[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

In October 2025, the Ministry of Justice (German: BMJ) presented a draft law amending criminal law to implement Directive (EU) 2024/1203 on the criminal protection of the environment. According to Article 2 of the draft, the sanctions for legal entities under § 30(2) OWiG would be amended not only for violations of environmental laws but also for other laws for which an association can be held liable. However, the law would only increase the amount of the fine and would not introduce a turnover-based sanction. The Directive allows this, even though a fixed monetary penalty for more serious offences does not meet the standard of an effective, proportionate, and deterrent sanction.

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

The Federal Ministry of Justice collects data on enforcement of OECD Convention against foreign bribery from the Ministries of Justice of the Länder and submits them to the Working Group on Bribery. The OECD used to publish annually enforcement data since 15 February 1999, when the OECD Convention against foreign bribery entered into force. But this ended with the enforcement data for the period 15 February 1999 – 31 December 2020. On 16 January 2026, the OECD published those data up to 31 December 2024. Comparing the two reports results in enforcement data for the four-year period 2021-2024. In those four years, Germany sanctioned 16 natural persons, but no legal persons in decisions on criminal foreign bribery cases, and 1 natural person in decisions on criminal cases for other offences related to foreign bribery. Transparency International published its Exporting Corruption Report the last time for the period 2018 to 2021. According to the methodology of Transparency International, Germany concluded 40 cases with sanctions in this four-year period, which was considered “moderate” enforcement. Transparency Germany regularly discusses enforcement data with the Federal Ministry of Justice and has criticized in particular the lack of enforcement against legal persons and the failure of the present coalition government to even consider a revision of liability in its coalition agreement.

Official and published data about corruption in general are reported by the Bundeskriminalamt in the Report “Bundeslagebild der Korruption 2024”.

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

On January 22nd 2026, former MP Axel Fischer (CDU) has been convicted by the Munich Higher Regional Court for accepting bribes, marking a historic moment in German legal history. For the first time, a former member of the German Bundestag has been found guilty accepting bribes while in office. The ruling underscores the judiciary’s serious commitment to investigating the Azerbaijan Affair and highlights the risks of strategic corruption by authoritarian regimes. Internationally, it is groundbreaking, as no convictions related to the Azerbaijan Affair have occurred in other countries.

Investigations revealed that millions from Azerbaijan were funneled to German politicians via shell companies and fake consulting contracts in exchange for advocating Azerbaijan’s interests in the Parliamentary Assembly of the Council of Europe. In July 2025, the Munich Higher Regional Court convicted another former MP, Eduard Lintner (CSU), of bribery for allegedly distributing payments from Azerbaijan through companies he founded. The verdict is not yet final, as Lintner has filed an appeal. This was the first conviction under the strengthened Section 108e of the German Criminal Code (introduced in 2014). In contrast, Fischer is accused of accepting bribes.

Fischer’s trial was separated from Lintner’s due to illness and resumed in October 2025, but repeated delays—caused by the defendant’s tactics—have since occurred, possibly aimed at reaching the statute of limitations

(10 years) for the majority of actions committed by him. The verdict on January 22nd came less than 9 days before the statute of limitations would have run.

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

Sanctions against legal persons in Germany do not meet the international standard of being proportionate, effective and deterrent, see C.1. above.

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

[Also under II. Anti-Corruption - Measures to enhance general transparency of public decision-making]

Freedom of Information Legislation

It is with great concern that we see that parts of the current leading coalition want to reduce the impact and field of application of the federal Freedom of Information Act (Informationsfreiheitsgesetz). Attempts to abolish the Freedom of Information Act (Informationsfreiheitsgesetz, IFG) were already made during the coalition negotiations in March 2025, but these were prevented due to strong pressure from civil society and journalists' associations. The coalition agreement of the current government foresees reforms to both the Freedom of Information Act (IFG) (page 59, line 1895) and the Environmental Information Act (UIG) (page 42, line 1355). Initial activities by the responsible authorities are currently underway.

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

[Also under II Anti-Corruption - Measures to enhance general transparency of public decision-making]

Executive footprint

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[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

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

[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

[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

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

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

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

239fc534-bc7f-40f1-a16f-368de0365669/260123_Transparency_Germany_Additional_Sources.pdf

Contact

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