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Groupe d'États contre la corruption

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## FOURTH EVALUATION ROUND

Corruption prevention in respect of members of  
parliament, judges and prosecutors

### SECOND *INTERIM* COMPLIANCE REPORT

#### GERMANY

Adopted by GRECO at its 91<sup>st</sup> Plenary Meeting  
(Strasbourg, 13-17 June 2022)

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## **I. INTRODUCTION**

1. The Second Interim Compliance Report assesses the measures taken by the authorities of Germany to implement the recommendations issued in the Fourth Round Evaluation Report on Germany (see paragraph 2) on "corruption prevention in respect of members of parliament, judges and prosecutors".
2. The [Fourth Round Evaluation Report on Germany](#) was adopted at GRECO's 65<sup>th</sup> Plenary Meeting (on 10 October 2014) and made public on 28 January 2015, following authorisation by Germany.
3. The [Compliance Report](#) was adopted by GRECO at its 75<sup>th</sup> Plenary Meeting (on 24 March 2017) and made public on 6 July 2017, following authorisation by Germany.
4. The [Second Compliance Report](#) was adopted by GRECO at its 83<sup>rd</sup> Plenary Meeting (on 21 June 2019) and made public on 12 August 2019, following authorisation by Germany. GRECO concluded that the overall very low level of compliance with the recommendations was "globally unsatisfactory" within the meaning of Rule 31, paragraph 8.3 of the Rules of Procedure. GRECO therefore decided to apply Rule 32 concerning members found not to be in compliance with the recommendations contained in the mutual evaluation report, and asked the Head of the German delegation to provide a report on the progress in implementing the pending recommendations (i.e. recommendations i-iv and vi) as soon as possible, but at the latest by 30 June 2020, pursuant to paragraph 2(i) of that rule. The deadline was postponed to 30 December 2020.
5. In the [Interim Compliance Report](#) adopted by GRECO at its 87<sup>th</sup> plenary meeting (on 25 March 2021) and made public on 10 May 2021, it was concluded that Germany had still only implemented satisfactorily or dealt with in a satisfactory manner three of the eight recommendations contained in the Fourth Evaluation Report. Four recommendations had been partly implemented and one recommendation had not been implemented. In light of these results, GRECO concluded that the overall low level of compliance with the recommendations remained "globally unsatisfactory" within the meaning of Rule 31 revised, paragraph 8.3 of the Rules of Procedure. Pursuant to paragraph 2, sub-paragraph i, of Article 32 of the Rules of Procedure, GRECO asked the Head of the German delegation to provide a report on the measures taken to implement the outstanding recommendations (namely recommendations i-iv and vi) as soon as possible, but at the latest by 31 March 2022.
6. As required, the authorities of Germany submitted a Situation Report on measures taken to implement the outstanding recommendations. This report was received on 31 March 2022 and served as a basis for the current Second Interim Compliance Report.
7. GRECO selected the Slovak Republic (in respect of members of parliament) and Switzerland (in respect of judicial institutions) to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed were Mr Ján KRÁLIK, on behalf of the Slovak Republic, and Mr Olivier GONIN, on behalf of Switzerland. They were assisted by GRECO's Secretariat in drawing up the Interim Compliance Report.

## **II. ANALYSIS**

8. GRECO, in its Fourth Round Evaluation Report, addressed eight recommendations to Germany. In the Interim Compliance Report, GRECO concluded that recommendations v, vii and viii had been implemented satisfactorily, recommendations i, iii, iv and vi had been partly implemented and recommendation

ii had not been implemented. Compliance with the outstanding recommendations is dealt with below.

#### *Corruption prevention in respect of members of parliament*

##### **Recommendation i.**

9. *GRECO recommended that the transparency of the parliamentary process be further improved, e.g. by introducing rules for members of parliament on how to interact with lobbyists and other third parties seeking to influence the parliamentary process.*
10. It is recalled that in previous compliance reports, GRECO considered this recommendation partly implemented. In the Interim Compliance Report, GRECO welcomed the parliamentary initiative for the registration of lobbyists and other third parties. As the draft law had not been adopted and no other steps had been taken to improve the transparency of the parliamentary process, it concluded that the recommendation was only partly complied with.
11. The German authorities now report that the Act Introducing a Lobbying Register for the Representation of Special Interests vis-à-vis the German *Bundestag* and the Federal Government (*Lobbyregistergesetz*, or Lobbying Register Act) was promulgated in the Federal Law Gazette on 16 April 2021. The Lobbying Register Act has laid the foundation for the establishment of a Lobbying Register, which has been maintained by the *Bundestag* Administration since the Act entered into force on 1 January 2022. The Act defines terminology, the conditions under which an entry is to be made in the Register and rules for engaging in lobbying activities on parliamentary premises. In particular, the Act defines the representation of special interests as any contact made for the purpose of directly or indirectly influencing the process of formulating aims or taking decisions and introduces an obligation to register, which is to guarantee that those representing special interests identify themselves as such when engaging in their activities in the buildings of the German *Bundestag*. According to section 5(5) of the Act, registered representatives of special interests shall refer to their registration on their initial contact with the respective bodies, and shall name the codes of conduct on the basis of which the representation of interests is being pursued. The authorities also indicate that there is an incentive for those organisations to which the obligation to register applies not to withhold the particulars which must be specified in accordance with section 3(2) of the Lobbying Register Act; representatives of special interests can otherwise be denied entry or not be able to participate in public hearings. An incentive is also created for organisations to which the obligation to register does not apply, that is voluntary registration, as they are otherwise not granted access to the *Bundestag* or access is only granted to a limited group of people.<sup>1</sup> The authorities state that the option to register on a voluntary basis is widely used for example by church affiliated organisations and groups as well as by associations of employers or employees.
12. Exceptions to the obligation to register are listed in section 2(2) of the Lobbying Register Act. The authorities indicate that these exceptions are based on the special status of the institutions concerned which is mostly enshrined in the fundamental rights of the German constitution.<sup>2</sup> They include the social partners<sup>3</sup> (no. 7), the representatives of political parties and their political foundations (nos. 10 and 11),

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<sup>1</sup> As of 1 January 2022, persons whose names have been properly entered in the Lobbying Register as representatives of special interests, or their representatives or employees, may, pursuant to section 2(6) no. 2 of the House Rules of the *Bundestag* be given access to the buildings of the *Bundestag* where there is legitimate reason to do so, and they may be issued with a day pass for representatives of special interests.

<sup>2</sup> Such as Article 4 of the German Constitution for churches and other religious communities, Article 5 for press and media, Article 9 for the social partners.

<sup>3</sup> Section 2(2) no. 7 of the Lobbying Register Act: representatives who "are seeking to influence working and economic conditions as associations of employers or employees (Article 9(3) of the Basic Law)".

the representatives of associations of local authorities (no. 14) on account of their special status in the Rules of Procedure of the *Bundestag*, the churches and religious communities (no. 12) and, with a view to freedom of the press, representatives of the press (no. 13). Section 2(3) of the Lobbying Register Act includes other exceptions (e.g. visitors, expert councils, diplomatic activities).

13. Furthermore, the authorities stress that the transitional provision concerning registration in the Lobbying Register, which had been applicable to the representatives of special interests engaging in activities subject to the registration requirement since the entry into force of the Lobbying Register Act on 1 January 2022, ceased to be effective on 28 February 2022. Since that date, anyone engaging in an activity subject to the obligation to register must be registered in the Lobbying Register or must register without delay as soon as they begin engaging in activities subject to the registration requirement. As of 20 May 2022, more than 4,500 representatives of special interests – individuals, companies and other organisations and networks – had already been entered in the Lobbying Register, which includes the names of more than 26,000 individuals who are authorised to represent special interests.
14. Finally, the *Bundestag* Administration has set up Division ID 5, a unit with seven staff members which is responsible for maintaining the Lobbying Register, for conducting investigation procedures for possible breaches of the Code of Conduct for representatives of special interests and for conducting regulatory offences proceedings for not entering a particular in the Register or not entering it correctly, completely or in good time.
15. GRECO welcomes the entry into force of the Lobbying Register Act on 1 January 2022 and the creation of a Lobbying register for representatives of special interests. This is undoubtedly an important step forward in terms of transparency of the parliamentary process. GRECO notes with satisfaction that the Act contains clear definitions, which are detailed and illustrated in a Handbook for representatives of special interests. The register is public, accessible online,<sup>4</sup> and a unit within the *Bundestag* Administration has been set up to supervise it. However, GRECO notes that there are several exceptions to the obligation to register. Additionally, the obligation to register only covers regular activities of representation of special interests.<sup>5</sup> As a result, a number of representatives of special interests find themselves outside the scope of the Act. GRECO considers that the authorities should, to the extent permitted by the German Constitution, limit the exceptions and extend the obligation to register in order to be more in line with the transparency objective of the recommendation.
16. Overall, GRECO also notes that the obligations under the law lie on representatives of special interests, not on members of parliament.<sup>6</sup> MPs who are initiating contacts with lobbyists are themselves not subject to any requirements, for instance registering or declaring such contacts, when they occur. In this context, GRECO recalls that several aspects were mentioned in the Evaluation Report as hindering transparency, and that addressing the question of the registration of lobbyists only

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<sup>4</sup> <https://www.lobbyregister.bundestag.de/startseite>

<sup>5</sup> In accordance with section 2(1) of the Lobbying Register Act, an obligation to register exists if one of the four alternative requirements applies to the activities of the representative of special interests: the representation of special interests is carried out regularly, it is established on a permanent basis, it is carried out commercially for third parties, or more than 50 separate contacts have been made in the course of the past three months for the purpose of representing special interests. According to the Handbook, representation of special interests can be assumed to be regular as of the third instance of making contact with addressees.

<sup>6</sup> The Handbook indicates that processes of communication initiated by addressees of the representation of special interests, such as Members of the *Bundestag*, are not considered to be making contact within the meaning of the Lobbying Register Act. The obligation to register thus does not apply. See also [Code of Conduct](#) for representatives of special interests in the framework of the Lobbying Act, *Bundestag* decision of 24 June 2021.

partly responds to the different concerns underlying the recommendation. Therefore, GRECO considers that, as mentioned in the recommendation, specific rules for members of parliament regarding their interaction with representatives of special interests should also be introduced to further increase transparency. While acknowledging that progress has been made, further measures are needed to consider the objective of the recommendation as fully met.

17. GRECO concludes that recommendation i remains partly implemented.

**Recommendation ii.**

18. *GRECO recommended (i) that a requirement of ad hoc disclosure be introduced when a conflict between specific private interests of individual members of parliament may emerge in relation to a matter under consideration in parliamentary proceedings – in the Bundestag plenary or its committees – independently of whether such a conflict might also be revealed by members’ declarations of activities and income; and (ii) that members of parliament be provided written guidance on this requirement – including definitions and/or types of conflicts of interest – as well as advice on possible conflicts of interests and related ethical questions by a dedicated source of confidential counselling.*
19. It is recalled that this recommendation was not implemented in previous compliance reports. In the Interim Compliance Report, the authorities stated that no further developments could be reported.
20. As regards part (i) of the recommendation, the German authorities now report that the amendments to the Act on the Legal Status of Members of the German *Bundestag* (*Abgeordnetengesetz*, or Members of the *Bundestag* Act), which entered into force on 19 October 2021, broadened section 49 with an *ad hoc* disclosure requirement. According to section 49 as revised, “every Member of the *Bundestag* in receipt of remuneration for his or her activities in connection with a subject to be debated in a committee of the *Bundestag* shall, before speaking in the deliberations, disclose as a member of that committee any link between these interests and the subject to be debated.” Section 49 further states that “every Member of the *Bundestag* who has taken over the role of a rapporteur shall declare any specific associated interests prior to the deliberations; these declarations shall be noted in the committee’s recommendation for a decision.” The *ad hoc* disclosure required under section 49 is to be made through an oral statement before taking the floor in the deliberations so that all committee members are aware of the interest linkage. The *ad hoc* disclosure is recorded in the minutes of the meeting. In case a rapporteur discloses a conflict of interest, his or her *ad hoc* disclosure is recorded in the committee’s recommendation for a decision on the subject matter.<sup>7</sup>
21. The authorities also state that the introduction of a disclosure requirement in respect of plenary debates was seen as not practicable by the legislature. The specific aim of the *ad hoc* disclosure requirement is to make known possible interests in relation to specific individual committee deliberations. Committees – not plenary debates during the first or second reading of draft bills – are where it is possible, and common, to influence the content of legislation and to amend draft legislation and other drafts. Rapporteurs have a specific role, as they are responsible, in their parliamentary groups, in a particular manner for evaluating and possibly amending the draft on which deliberations are ongoing. The Members of the *Bundestag* Act thus provides for interests disclosed by rapporteurs to be noted in the committee’s recommendation

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<sup>7</sup> The committee’s recommendations for a decision are published as a printed paper (*Bundestagsdrucksache*) which is publicly accessible. The committee’s recommendation for a decision is the basis for deliberations in the second reading in plenary and for the plenary vote.

for a decision, which then forms the subject of deliberations on the second reading in plenary and, as a result, also forms part of the plenary vote.

22. With regard to the second part of the recommendation, the German authorities state that the Council of Elders<sup>8</sup> adopted implementing provisions on 12 May 2022. The provisions came into force on 13 May 2022. Provision No. 16 contains definitions and types of conflict of interests which are to be revealed by committee members and rapporteurs. Together with the new implementing provisions, the members of the *Bundestag* have received an explanatory note by the *Bundestag* administration with more details and concrete examples.
23. Finally, the authorities indicate that the legislature has not established a dedicated office to provide confidential counselling on possible conflicts of interests and related ethical questions. They refer in this regard to the requirement, as laid down in section 50 of the Members of the *Bundestag* Act, that Members request further information from the President, as well as to the Administration's obligation to provide objective, neutral and confidential advice to Members and parliamentary groups.
24. GRECO takes note of the information provided by the authorities. It welcomes the amendment to section 49 of the Members of the *Bundestag* Act, which introduces a requirement of *ad hoc* disclosure of interests for committee members and rapporteurs. This is a clear improvement to prevent conflicts of interest. However, it is noted that this rule only applies to committee meetings and regrets that it has not been extended to the *Bundestag* plenary, as required in the recommendation (see also Evaluation report, paragraph 54). Therefore, the first part of the recommendation cannot be considered more than partly implemented.
25. In relation to the second part of the recommendation, GRECO regrets that no dedicated source of confidential counselling has been established and that the advisory role is still played by a political figure, i.e. the President of the *Bundestag*, or by the staff of the *Bundestag* Administration, as was the case already at the time of the adoption of the Evaluation Report. On the other hand, GRECO welcomes the entry into force on 13 May 2022 of the implementing provisions adopted by the Council of Elders. GRECO notes with satisfaction that the new provisions together with the explanatory note provide written guidance to members of the *Bundestag* on the new *ad hoc* disclosure requirement. Therefore, this part of the recommendation has now been partly implemented.
26. GRECO concludes that recommendation ii has been partly implemented.

### **Recommendation iii.**

27. *GRECO recommended (i) that the existing regime of declarations of interests be reviewed in order to extend the categories of information to be disclosed to include, for example, information on significant assets – including shareholdings in enterprises below the current thresholds – and significant liabilities; and (ii) that consideration be given to widening the scope of the declarations to also include information on spouses and dependent family members (it being understood that such information would not necessarily need to be made public).*
28. It is recalled that this recommendation remained partly implemented in the Interim Compliance Report. GRECO considered that the first part of the recommendation had not been implemented, as the existing regime of declarations of interests had not

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<sup>8</sup> Under section 52 of the amended Members of the *Bundestag* Act, the Council of Elders – the body responsible for parliamentary processes and internal parliamentary matters which is composed of Members nominated by the parliamentary groups and the Presidium – is to enact implementing provisions concerning the content and scope of the obligations (Code of Conduct) as laid down in Parts Ten and Eleven of the Members of the *Bundestag* Act.

been reviewed in order to extend the categories of information to be disclosed. As regards the second part of the recommendation, GRECO accepted in the Second Compliance Report that consideration had been given to widening the scope of the declarations to also include information on spouses and dependent family members. It therefore considered that this part of the recommendation had been implemented satisfactorily.

29. The German authorities now report that the scope of declarations of interests for Members of the *Bundestag* has been widened following the amendment to the Members of the *Bundestag* Act, which entered into force on 19 October 2021. Section 45(2) no. 6 of the Act stipulates that interests held in private corporations (*Kapitalgesellschaften*) or partnerships (*Personengesellschaften*) have to be reported if they amount to a share of more than 5% (compared to 25%, as was previously the case). The rule has been widened to include interests held in investment companies and indirect shareholdings. Furthermore, the income from these investments now has to be declared too. Exceptions only exist for partnerships in which the Member holds an interest if the activity of the partnerships relates exclusively to letting and leasing in connection with the management of private property. According to the authorities, the aim is to take account of those cases in which the Member lets, to a third party, an owner-occupied flat, for example, which he or she owns jointly with a spouse or life partner and establishes a partnership to that end (e.g. a civil-law partnership (*BGB-Gesellschaft*)). Management of private assets including the activity of renting and leasing real estate has to be disclosed if it is carried out on a commercial scale.<sup>9</sup> Business partners – both public authorities and others – also have to be disclosed under section 45(2) no. 1 Act (unless they fall below the thresholds of 1000 euros per month or 3000 euros per year). The authorities also indicate that loans need to be disclosed under section 45(2) no. 5 when they represent an advantage for the member of the *Bundestag*, e.g. because they are granted at (non-market) special conditions.
30. GRECO takes note of the information provided by the authorities. It welcomes the amendment to the Members of the *Bundestag* Act, which lowers the threshold of shareholdings in enterprises to be disclosed by Members of the *Bundestag* to 5% and also includes income from investments in the financial information to be declared. GRECO also notes further progress in the disclosure of information, such as the exact amount of income which has now to be disclosed and is not expressed in the form of income brackets as was the case before. While GRECO finds that additional financial information, such as real estate property or significant liabilities, could also have been included within the obligation to provide information, it nonetheless considers that the measures taken have significantly extended the categories of information to be disclosed.
31. GRECO concludes that recommendation iii has been dealt with in a satisfactory manner.

#### **Recommendation iv.**

32. *GRECO recommended that appropriate measures be taken to ensure effective supervision and enforcement of the current and future declaration requirements, rules on conflicts of interest and other rules of conduct for members of parliament, inter alia, by strengthening the personnel resources allocated by the Bundestag Administration.*

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<sup>9</sup> Implementing provisions regarding the substance and scope of the obligations established by Parts Ten and Eleven of the Act on the Legal Status of Members of the German *Bundestag* (Members of the *Bundestag* Act), No. 12.

33. It is recalled that in the Interim Compliance Report, this recommendation had been partly implemented. GRECO accepted that, with the strengthening of personnel resources allocated to the *Bundestag* administration and the extension of the possibility to impose fines for certain violations of the Members of the *Bundestag* Act and the Code of Conduct, steps towards compliance with the recommendation had been taken. However, in light of the nature of the concerns expressed in the Evaluation Report, GRECO would have expected more extensive measures to be taken to ensure effective supervision and enforcement of the current and future declaration requirements, rules on conflicts of interest and other rules of conduct for members of parliament, as required by the recommendation.
34. The German authorities now indicate that the Code of Conduct, which previously constituted the Parliament's internal rules as set out in the Annex to the Rules of Procedure of the German *Bundestag*, has been incorporated into the Members of the *Bundestag* Act (Parts Ten and Eleven). As a result, these rules have now the force of law. Under section 51 of the Members of the *Bundestag* Act (Procedure in the event of contraventions), the supervision and enforcement of the Code of Conduct is under the responsibility of the President of the *Bundestag*, who avails him/herself of the services of the relevant divisions in the *Bundestag* Administration to that end. The authorities also indicate that the number of staff of Section 21 within Division PM 1 of the *Bundestag* Administration was increased from three to four in 2021 and additional positions are to be granted to the Division PM 1 for supporting the supervision and enforcement of the Code of Conduct in the course of the next budget law.
35. The amended rules in Part Eleven of the Members of the *Bundestag* Act set requirements in respect of sanctions following breaches of the Code of Conduct, in particular sanctions against Members who breach their obligation to disclose interests. The authorities state that some of the rules and sanctions have been amended and tightened: the scope of application of the sanction procedure has for instance been adjusted to the newly introduced prohibition of activities and obligation to provide information, and it is clarified that violations of the obligation to disclose conflict of interests within the meaning of section 49 of the Members of the *Bundestag* Act also fall within the scope of the sanction procedure, since these disclosure obligations are also part of the rules of conduct.
36. Moreover, section 51 (6) of the Members of the *Bundestag* Act provides that the President of the *Bundestag* is, in the future, to present to the *Bundestag* a report at the start of an electoral term "containing data on the number of initiated investigation procedures as well as their culmination in the abandonment of proceedings, admonishment, identified breaches of obligations and validated penalties and the amount paid to the federal budget under section 44a (5)" of this Act.<sup>10</sup> Such a report is also to be compiled for the last electoral term. The authorities underline that this should give the general public more opportunity than it had in the past to keep track of the rules on transparency and any sanctions paid.
37. Finally, the authorities indicate that the Explanatory Memorandum to the Members of the *Bundestag* Act includes the requirement that the Legal Status Committee evaluate the rules under Part Eleven of the Act (Code of Conduct). This evaluation is to be completed in May 2023, and its results are to be presented to the Committee on Scrutiny of Elections, Immunity and the Rules of Procedure of the *Bundestag*.

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<sup>10</sup> According to section 44a (5), "considerations or pecuniary benefits which are inadmissible under paragraphs 2 to 4 above or their monetary equivalent shall be payable to the federal budget. The President shall assert this entitlement by means of an administrative act, provided that a period of three years has not elapsed since the receipt of the consideration or pecuniary benefit. Loss of membership of the Bundestag shall not affect this entitlement."



38. GRECO notes that the Code of Conduct for parliamentarians has been incorporated into the Members of the *Bundestag* Act and that some rules and sanctions following breaches of this Code have been tightened. GRECO also notes with satisfaction that additional steps have been taken to comply with the recommendation, such as an additional staff member supporting the supervision and enforcement of the Code of Conduct, the publication of an annual report on investigations and sanctions by the President of the *Bundestag* as well as an ongoing evaluation of the current rules in place. GRECO acknowledges that such reviews provide opportunities to further strengthen the supervision and enforcement of the Code of Conduct. That said, GRECO has come across recent information<sup>11</sup> that indicate that, while new rules in force would now prohibit such misconduct, more stringent measures are still needed to ensure effective supervision of the Code of Conduct for MPs. On this occasion, the question was again raised as to whether the administration was not too close to power in order to effectively monitor and, if need be, criticise MPs.<sup>12</sup> GRECO reiterates that the monitoring mechanism needs to be enhanced in order to effectively prevent violations of the rules on MPs' conduct. The implementation of the recommendation is thus in progress and GRECO is looking forward to receiving more specific information on the publication of the first report on investigations and sanctions by the President of the *Bundestag* as well as the evaluation process of the current rules in place. In view of the above, GRECO cannot consider the requirements of the recommendation more than partly met.
39. GRECO concludes that recommendation iv remains partly implemented.

*Corruption prevention in respect of judges*

**Recommendation vi.**

40. *GRECO recommended that appropriate measures be taken with a view to enhancing the transparency and monitoring of secondary activities of judges. The Länder are to be invited to contribute to such a reform process.*
41. It is recalled that in previous compliance reports, GRECO considered this recommendation partly implemented. In the Interim Compliance Report, GRECO welcomed the explanatory guidelines made available on the application of the rules on secondary activities and the information that all federal courts submit an annual report on the secondary activities of their judges to the Federal Ministry of Justice and Consumer Protection or Federal Ministry of Labour and Social Affairs. It also welcomed the outreach on this issue towards the *Länder*. However, it did not consider that further measures had been taken to improve the transparency of secondary activities of judges, given that the information contained in these reports was not published. GRECO therefore concluded that this recommendation was not fully complied with.
42. The German authorities have not reported any further developments in this respect.
43. GRECO notes the lack of progress and concludes that recommendation vi remains partly implemented.

**III. CONCLUSIONS**

44. **In view of the foregoing, GRECO concludes that Germany has made some progress in implementing the recommendations since the March 2021 Interim Compliance Report. Four of the eight recommendations contained in**

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<sup>11</sup> [Article of 23.06.2020, \*Süddeutsche Zeitung\*](#) and [Article of 14.07.2021, \*Süddeutsche Zeitung\*](#).

<sup>12</sup> See Evaluation report, paragraph 96.

**the Fourth Round Evaluation Report have now been implemented satisfactorily or dealt with in a satisfactory manner.** The four outstanding recommendations have now all been partly implemented.

45. More specifically, recommendations iii, v, vii and viii have been implemented satisfactorily or dealt with in a satisfactory manner and recommendations i, ii, iv and vi have been partly implemented.
46. With respect to members of Parliament, the entry into force of the Lobbying Register Act is a positive development. Yet, there are some gaps in the legislation and lobbying activities do not seem to be fully covered. Besides addressing the question of the registration of lobbyists, further steps are needed to improve the transparency of the parliamentary process. The introduction of a requirement of *ad hoc* disclosure for situations of conflicts of interest of MPs at committees level is a step in the right direction. However, this rule needs to be extended to also cover conflicts of interest in plenary meetings. While written guidance on the new *ad hoc* disclosure requirement has been provided to members of the Bundestag through the adoption of implementing provisions, no further developments have been reported on the provision of advice on the disclosure requirement through a dedicated source of confidential counselling. The obligation for members of the *Bundestag* to disclose financial information has been extended and now notably includes shareholdings in enterprises above 5%. Finally, the supervision and enforcement of the rules of conduct for members of the *Bundestag* could be more effective.
47. With regard to prosecutors, all recommendations have been complied with (see previous reports). As far as judges are concerned, only one recommendation is outstanding, which requires more transparency in respect of judges' secondary activities.
48. In the light of the foregoing, GRECO concludes that the current level of compliance with the recommendations is no longer "globally unsatisfactory" within the meaning of Rule 31 revised, paragraph 8.3 of the Rules of Procedure. It therefore decides not to pursue the application of Rule 32 with regard to those members who do not comply with the recommendations contained in the mutual evaluation report.
49. Pursuant to Rule 31 revised, paragraph 8.2 of the Rules of Procedure, GRECO invites the Head of the German Delegation to provide a report on the measures taken to implement the outstanding recommendations (i.e. recommendations i, ii, iv and vi) as soon as possible but at the latest by 30 June 2023.
50. Finally, GRECO invites the authorities of Germany to authorise, as soon as possible, the publication of the report, to translate the report into the national language and to make this translation public.