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# FIFTH EVALUATION ROUND

Preventing corruption and promoting integrity in  
central governments (top executive functions) and  
law enforcement agencies

## SECOND COMPLIANCE REPORT

# GERMANY



Adopted by GRECO  
at its 99<sup>th</sup> Plenary Meeting (Strasbourg, 17-19 March 2025)



Group of States against Corruption  
Groupe d'États contre la corruption

COUNCIL OF EUROPE



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## I. INTRODUCTION

1. GRECO's Fifth Evaluation Round deals with "Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies".
2. This Second Compliance Report assesses the measures taken by the German authorities to implement the recommendations issued in the Fifth Round Evaluation Report on Germany which was adopted by GRECO at its 86<sup>th</sup> Plenary Meeting (29 October 2020) and made public on 15 December 2020, following authorisation by Germany. The corresponding Compliance Report was adopted by GRECO at its 92<sup>nd</sup> Plenary Meeting (2 December 2022) and made public on 16 March 2023, following authorisation by Germany.
3. As required by GRECO's Rules of Procedure,<sup>1</sup> the German authorities submitted a Situation Report containing information on measures taken to implement the recommendations. That report was received on 26 September 2024 and served as a basis for the Second Compliance Report.
4. GRECO selected Poland (in respect of top executive functions in central governments) and Liechtenstein (in respect of law enforcement agencies) to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed were Ms Alicja KLAMCZYŃSKA, on behalf of Poland, and Mr Fabian RITTER, on behalf of Liechtenstein. They were assisted by GRECO's Secretariat in drawing up this report.

## II. ANALYSIS

5. GRECO addressed 14 recommendations to Germany in its Evaluation Report. In the Compliance Report, GRECO concluded that recommendation x had been implemented satisfactorily, recommendations i, ii, v, vi and ix had been partly implemented and recommendations iii, iv, vii, viii and xi-xiv had not been implemented. Compliance with the outstanding recommendations is examined below.

*Preventing corruption and promoting integrity in central governments (top executive functions)*

### Recommendation i

6. *GRECO recommended (i) that a specific code of conduct for persons with top executive functions be adopted, complemented with appropriate guidance regarding conflicts of interest and other integrity-related matters (e.g. gifts, outside activities, third party contacts, lobbying etc.) and (ii) that such a code be coupled with a mechanism of control and enforcement.*

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<sup>1</sup> The compliance procedure for the Fifth Evaluation Round is governed by GRECO's Rules of Procedure as amended. See Rule 31 revised bis and Rule 32 revised bis.

7. GRECO recalls that this recommendation was partly implemented. GRECO accepted that the newly adopted guidance manual for members of the Federal Government and parliamentary state secretaries taken together with the Anti-Corruption Directive and code of conduct met the objective of the recommendation. GRECO therefore considered that part (i) of the recommendation had been dealt with in a satisfactory manner. Regarding part (ii) of the recommendation, GRECO noted that the authorities considered the existing legal provisions to be sufficient and indicated that scrutiny of adherence to these provisions was carried out by Parliament. However, GRECO reiterated that it would be beneficial to introduce a mechanism dedicated to monitoring specifically the respect of the integrity standards contained in the guidance manual and the anti-corruption code of conduct. Consequently, GRECO considered that this part of the recommendation had not yet been complied with.
8. As regards part (ii) of the recommendation, the authorities of Germany report that monitoring of the Anti-Corruption Code of Conduct is a basic responsibility of the superiors of all staff members, as explained in the Guidelines for supervisors and heads of public authorities/agencies.<sup>2</sup> According to these Guidelines, all supervisors are to set an example and have a duty of care towards their subordinate staff. The Guidelines list possible vulnerabilities and gateways for corruption which must be met with specific measures so as to ensure sufficient monitoring. This includes overseeing staff and paying great attention to them in order to identify potential corruption risks at an early stage. A number of red flags are listed to help identify potentially corrupt behaviour of staff; if any of these indicators are found, the supervisor must assess whether this indicator, together with the environment, indicates an actual risk of corruption. If there are concrete and comprehensible indications justifying a suspicion of corruption, the supervisor must immediately consult the contact person for the prevention of corruption and the human resources department or the head of the authority. The contact person must get in touch with the head of the authority, report the suspected case and recommend immediate measures to be taken to prevent any cover-up. These measures may include withdrawing tasks, prohibiting access to files and securing the staff member's office and are taken by the human resource department. The head of the authority must also initiate internal investigations or, if there is a reasonable suspicion, immediately share the information with law enforcement authorities. Disciplinary measures are taken by the human resources department and include reprimands, fines, reductions in salaries, demotions, removal from civil service status, reductions in pensions and withdrawal of pensions. Disciplinary measures are without prejudice to investigations, prosecutions and sanctions under criminal law. The scope and extent of measures required are based on the circumstances of a given case. If supervisors violate their duties, they may be punishable due to a breach of duty. Failure to report corruption-related suspicions is a violation of the civil service's duty of loyalty, advice and support and would have to be sanctioned in line with the gravity of the individual misconduct. Where supervisors suspect wrongful behaviour and do not report it, they can be held liable under disciplinary law (see above) but also under criminal law, e.g. for aiding and abetting corruption.

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<sup>2</sup> Annex 2 to the Federal Government Directive Concerning the Prevention of Corruption in the Federal Administration.

9. The authorities further state that there is no procedure to specifically monitor compliance with the integrity standards of the guidance manual and Anti-Corruption Code of Conduct and to sanction non-compliance. However, federal ministers are politically responsible for their actions and behaviour. Their dismissal – as well as that of parliamentary state secretaries pursuant to section 9 (2) of the Federal Ministers Act (*Bundesministergesetz*, BMinG) and section 4 of the Parliamentary State Secretaries Act (*Gesetz über die Rechtsverhältnisse der Parlamentarischen Staatssekretäre*, ParlStG) – is possible at any time, including in cases of misconduct. These persons are also subject to parliamentary oversight.
10. Regarding part (ii) of the recommendation, GRECO takes note of the information provided by the German authorities and the possibility to put precautionary measures in place in case of suspicion of corruption. Beyond that, there is however no procedure to specifically monitor PTEFs' compliance with integrity-related rules nor to sanction non-compliance. This part of the recommendation cannot thus be considered implemented.
11. GRECO concludes that recommendation i remains partly implemented.

#### Recommendation ii

12. *GRECO recommended that a systematic briefing on integrity issues be given to ministers and parliamentary state secretaries upon taking up their position and at regular intervals thereafter.*
13. GRECO recalls that this recommendation was partly implemented. GRECO noted that letters on integrity issues had been sent to members of the Federal government upon taking up their position, which represented a positive start. However, GRECO underlined that further measures on a regular basis were required.
14. The authorities have provided no new information towards the implementation of this recommendation.
15. GRECO concludes that, in the absence of any progress, recommendation ii remains partly implemented.

#### Recommendation iii

16. *GRECO recommended that (i) the Freedom of Information Act be subject to an independent and thorough analysis, with a particular focus on the scope of exceptions under this act and other more recent legislation, the application of these exceptions in practice, the system of fees and the enforcement of the act and (ii) in light of the findings of this analysis, additional measures be taken to improve public access to information at federal level, where necessary.*
17. GRECO recalls that this recommendation was not implemented. Preparatory work had started to further develop the Freedom of Information Act into a Federal Transparency Act and a key issues paper was expected by the end of 2022.

18. The authorities indicate that the implementation of the commitment of the coalition agreement for the 20<sup>th</sup> legislative term's regarding the Freedom of Information Act is in progress.
19. GRECO takes note of the information provided. In the absence of any new development, it concludes that recommendation iii remains not implemented.

Recommendation iv

20. *GRECO recommended that substantive external inputs to legislative proposals and their origin, which are received before the formal launching of consultations, be identified, documented and disclosed.*
21. GRECO recalls that this recommendation was not implemented. GRECO noted that the German Government planned to introduce a "legislative footprint" to allow the monitoring and tracing of all third parties who seek to influence and contribute to specific legislative texts. This "footprint" had been included in the coalition agreement for the 20<sup>th</sup> legislative term and was to be implemented together with other transparency elements. It was however too early for GRECO at this stage to consider this recommendation as even just partly implemented.
22. The authorities report that, on 6 March 2024, in accordance with the provisions of the coalition agreement for the 20<sup>th</sup> legislative term, the Federal Cabinet adopted provisions for an executive footprint by amending the Joint Rules of Procedure of the Federal Ministries (*Gemeinsame Geschäftsordnung der Bundesministerien*, GGO).<sup>3</sup> The new provisions have to be applied by the federal ministries as from 1 June 2024. The executive footprint obliges the federal ministries to provide information in a draft bill's explanatory memorandum on the extent to which representatives of special interests and third parties commissioned by federal ministries have contributed significantly to the content of the draft legislation. Representatives of special interests are all natural or legal persons, partnerships or other organisations, including those in the form of networks, platforms or other forms of collective activities, which engage in the representation of special interests themselves or commission such representation on their behalf. Representation of special interests means any contact made for the purpose of directly or indirectly influencing the process of formulating aims or taking decisions conducted by the Federal Government. In addition to the influence of representatives of special interests, the extent to which third parties commissioned by federal ministries have contributed to the content of the draft legislation must also be disclosed. For example, disclosure is necessary if the responsible ministry or a ministry which is involved commissions law firms, members of the research community and external reports, or if they hire consulting firms.

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<sup>3</sup> The adopted amendment to the Joint Rules of Procedure of the Federal Ministries can be found here: [https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/2024/ggo-fussabdruck-synopsenpflicht.pdf?\\_\\_blob=publicationFile&v=1](https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/2024/ggo-fussabdruck-synopsenpflicht.pdf?__blob=publicationFile&v=1).

23. The authorities add that any significant influence on the content of the legal provisions must be disclosed, regardless of when the legislative proposal was presented, so that, in particular, significant inputs received before the formal launching of consultations are also recorded. Influence includes adding a provision, refraining from a provision that was originally intended to be included, or making a significant change to the content of a provision. Influence must be disclosed if it actually had an effect on the outcome, i.e. in the sense of an “imprint” (“significance threshold”). The wording “the extent to which” is therefore to be interpreted based on the result. In other words, the extent to which draft legislation of the Federal Government was influenced must be disclosed. The representation of special interests is of significance if it affected the main priorities of the draft legislation or if it changed the originally intended content of the draft legislation by means of a presentation on key issues. The ministry responsible for the provision in question determines whether an influence is significant. Irrespective of this, the Federal Government compiles lists of contacts between the Federal Government and representatives of special interests on an *ad hoc* basis to respond to the parliament’s right to ask questions.
24. In addition, in the context of a request under the Federal Act Governing Access to Information held by the Federal Government (*Informationsfreiheitsgesetz*, IFG), there is always the possibility of subsequently monitoring the Federal Government’s actions and inspecting the contacts maintained by the Federal Government. Furthermore, since 1 March 2024, representatives of special interests have been required to provide more specific information on the objectives of their interest representation in the Lobbying Register, including the specific legislative or regulatory proposals to which their activities relate and to publish basic opinions and reports on them in the Lobbying Register (see section 3 (1) no. 5 of the new Lobbying Register Act; *Lobbyregistergesetz*, LobbyRG, see also below under recommendation v).
25. GRECO welcomes the amendments to the Joint Rules of Procedure of the Federal Ministries providing for an executive footprint. Under the new rules, ministries have to provide information on the extent to which representatives of special interests and third parties commissioned by federal ministries have contributed significantly to the content of legislative proposals, including before the formal launching of consultations. Consequently, transparency of legislative processes has been overall enhanced and substantive external inputs are to be documented and disclosed. GRECO accepts that the executive footprint, as provided by the amended rules, meets the requirement of the recommendation.
26. GRECO therefore concludes that recommendation iv has been implemented satisfactorily.

#### Recommendation v

27. *GRECO recommended i) that detailed rules be introduced on the way in which persons with top executive functions interact with lobbyists and other third parties seeking to influence the government’s legislative and other activities; and (ii) that sufficient information about the purpose of these contacts be disclosed, such as the identity of the*

*person(s) with whom (and on whose behalf) the meeting(s) took place and the specific subject matter(s) of the discussion.*

28. GRECO recalls that this recommendation was partly implemented. GRECO welcomed 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. However, it noted that there were several exceptions to the obligation to register and that the obligation to register only covered regular activities of representation of special interests. Part (i) of the recommendation was considered partly implemented. GRECO also considered that the authorities should introduce further rules to address part (ii) of the recommendation and disclose sufficient information about the purpose of contacts with lobbyists and other third parties seeking to influence decisions or actions of the government, in order to be in line with the transparency objective of the recommendation.
29. The authorities of Germany report that the Federal Government has implemented its plans to make the Act Introducing a Lobbying Register for the Representation of Special Interests vis-à-vis the German *Bundestag* and the Federal Government (Lobbying Register Act, *Lobbyregistergesetz*) stricter in the 20<sup>th</sup> parliamentary term. In particular, it has expanded the scope of the Lobbying Register Act, included contacts down to the level of head of division and has amended the disclosure requirements. The following amendments have been made:
  - Representatives of special interests must now register if more than 30 separate contacts have been made in the course of the past three months for the purpose of representing special interests (previously, registration was only necessary from 50 contacts). These contacts include officials from the level of head of division (previously, registration was only necessary from director level).
  - Representatives of special interests now have to provide more specific information on the objectives of their interest representation and also indicate to which specific legislative or regulatory projects their activities relate. They must publish basic opinions and reports in the Lobbying Register, thus making the objectives of interest representation more transparent in the Lobbying Register itself.
  - Representatives of special interests need to provide more detailed information on their sources of funding. They now need to disclose their main funding sources and membership fees in the Lobbying Register. The option to decline to provide financial information has been removed. It is mandatory to provide names for gifts or other contributions received during their lifetime that exceed a total value of 10,000 euros, as well as ten per cent of the total amount of gifts and other contributions received in the respective financial year.
  - Those representing the special interests of third parties must disclose the specific employees and costs of the assignment. As a consequence, it is now possible to identify what resources a representative of special interests may use for their work.
  - If government officials or office-holders switch sides to join the representation of special interests ("revolving door"), they must disclose current and past offices and government activities by entering them in the Lobbying Register.
30. The authorities indicate that these amendments entered into force on 1 March 2024. Representatives of special interests must have made the necessary changes to their

register entries by 30 June 2024. The registration body will then present a report on the maintenance of the Lobbying Register for the first time on 31 March 2025. This transparency requirement is accompanied by an executive footprint, which discloses whether and to what extent the significant influences have actually been successful and reflected in a proposed amendment in the draft legislation (see above, under recommendation iv). The various new publication and transparency requirements are still accompanied by the rights under the Freedom of Information Act and the institution of parliamentary questions. This extended data basis obtained with the new rules enables more targeted parliamentary questions and general requests for information under the Freedom of Information Act.

31. GRECO notes with satisfaction that the Lobbying Register Act has been amended to widen its scope. These amendments entered into force in March 2024. In particular, representatives of special interests now have to provide more specific information on funding sources, their previous roles as public officials and the objectives of their lobbying activities and must publish basic opinions and reports concerning specific regulatory proposals in the Lobbying Register. While GRECO would have preferred that these disclosure obligations lie on the government's officials themselves, it nevertheless acknowledges that the framework to ensure transparency of lobbying has been strengthened and that interaction between lobbyists and PTEFs has been regulated, in line with the objective of the recommendation. In view of the above, part (i) of the recommendation has been dealt with in a satisfactory manner. That said, GRECO notes that there is still no sufficient information disclosed on direct contacts and meetings taking place with lobbyists and other third parties seeking to influence decisions or actions of the government. GRECO expects that further measures will be taken in order to consider part (ii) of the recommendation complied with.

32. GRECO concludes that recommendation v remains partly implemented.

Recommendation vi

33. *GRECO recommended that (i) clear provisions and guidance be introduced for ministers and parliamentary state secretaries on the prevention and management of conflicts of interest and (ii) a requirement of ad hoc disclosure be introduced in respect of persons exercising top executive functions in situations of conflicts between their private interests and official functions, when they occur.*
34. GRECO recalls that this recommendation was partly implemented. GRECO noted that the guidance manual did not include an unequivocal obligation to disclose various situations of conflicts as they occur (on an *ad hoc* basis). It indicated that the guidance manual should be strengthened and the authorities should consider the introduction of practical advice on how to identify and manage situations of conflict of interest as well as of real-life examples of situations that may arise.
35. The authorities refer to the comments made in the previous report. With regard to part (ii) of the recommendation, they draw attention to the numerous legislative and non-



legislative *ad hoc* disclosure requirements regarding matters that may lead to conflicts of interest.

36. GRECO takes note of the information provided by the authorities, which describes information already outlined in the Compliance Report. This demonstrates that no new measures have been taken to meet the recommendation, while recent cases have again highlighted the need for stricter rules in this area.<sup>4</sup>
37. GRECO concludes that recommendation vi remains partly implemented.

#### Recommendation vii

38. *GRECO recommended that (i) measures be taken to ensure consistency and transparency of the decisions authorising new occupations of state secretaries and directors general following their public service, and (ii) it be considered to extend the length of the cooling-off period for ministers and parliamentary state secretaries, to change the composition of the advisory body and to introduce sanctions for failing to comply with decisions of the federal government on these matters.*
39. GRECO recalls that this recommendation was not implemented. GRECO considered that further measures were needed for the implementation of the first part of the recommendation. Moreover, GRECO encouraged the German authorities to resume the discussion on the issues covered by the second part of the recommendation.
40. The German authorities state that the legal situation was tightened as of 1 April 2024 with regard to activities after leaving the public service. Section 105 of the Act on Federal Civil Servants (*Bundesbeamtengesetz*, BBG) was amended and introduces a graduated system of notification and authorisation requirements for former political officials and civil servants who had been granted security clearance before their retirement. The authorities underline that the activities pursued by former high-ranking federal civil servants after leaving the public service are subject to particularly strict rules under the new legal system. The tightening of section 105 of the Act on Federal Civil Servants reportedly allows, among other things, for close monitoring of the further professional careers of former political officials who are a particular focus of public perception. It includes a general obligation to report all gainful employment and other occupations after leaving the public service and a significant extension of the obligation to report to a maximum of seven years.
41. More specifically, two groups of former civil servants are affected by the change in the law. The first group affected are retired civil servants who were political officials under section 54 of the Act on Federal Civil Servants prior to retiring. Political officials are those who hold an office in which they must remain consistent with the fundamental political views and objectives of the Federal Government. These include, for example, the state secretaries and directors-general of the federal ministries. The second group affected by the tightening of the rules are retired civil servants who were entrusted with security-sensitive tasks within the meaning of section 1 (2) of the Security Clearance Check Act

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<sup>4</sup> See for instance LobbyControl, [Lobbyreport 2024](#), p. 65.

(*Sicherheitsüberprüfungsgesetz, SÜG*) prior to retiring; in other words, at least a basic security clearance check was carried out in accordance with section 8 of the aforementioned Act.

42. The amended section 105 of the Act on Federal Civil Servants obliges members of these two groups to report in advance any gainful employment or other occupation outside the public service. In addition, this stricter reporting obligation has been extended and now applies to these two groups for five years upon retirement after reaching the regular retirement age and for seven years in any other cases of termination of the civil service employment. All retired civil servants are also now required to report any new occupation one month in advance. Decisions authorising new occupations of state secretaries and directors general following their public service are still taken by the former employer, who may prohibit the commencement of the activity within one month. A prohibition to take up new employment can be imposed for a maximum period up until the duty to notify ends.
43. In order to ensure uniform application of the rules on occupations following retirement, the Federal Ministry of the Interior and Community (BMI) has drawn up a circular containing specific instructions on the interpretation and application of section 105 of the Act on Federal Civil Servants.<sup>5</sup>
44. GRECO recognises the efforts made by the authorities towards the implementation of the first part of the recommendation concerning post-employment restrictions for civil servants. Under section 105 of the Act on Federal Civil Servants, which has been amended, civil servants who were political officials (including state secretaries and directors general) are now obliged to report to their last public service employer all their employment after leaving their office. Previously, new activities only had to be reported if the employment could interfere with interests of the public service, whereby the assessment was at the discretion of the civil servant concerned. The cooling-off period applicable to state secretaries and directors general has also been extended to five to seven years. Moreover, GRECO notes that a circular containing concrete recommendations on the interpretation and application of section 105 has been made public.<sup>6</sup> GRECO takes the view that undeniable progress has been made to ensure consistency of the decisions authorising new occupations of state secretaries and directors general following their public service. GRECO expects that the implementation of those measures will also lead to increased transparency. In these circumstances, it considers that part (i) of the recommendation has been dealt with in a satisfactory manner.
45. As regards part (ii) of the recommendation, GRECO notes that the authorities have not paid due consideration to the issues therein. GRECO reiterates that it would welcome if

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<sup>5</sup> The circular is available [online](#) (in German only), *Rundschreiben Anschlussstätigkeiten der Beamtinnen und Beamten des Bundes*, 17 April 2024.

<sup>6</sup> The circular notably explains how the notion of impairment of service-related interests is to be interpreted. According to the circular, gainful employment must be prohibited if this is necessary to maintain confidence in the integrity of the civil service. This is to be assumed if the activity allows unfavourable conclusions to be drawn about the former conduct of the office. Concerns that interests may be impaired are sufficient.

a reflection takes place as regards the lack of an enforcement mechanism on cooling-off period (paragraph 90 of the Evaluation Report) as well as regards the extension of the length of the cooling-off period for ministers and parliamentary state secretaries and the composition of the advisory body. This part of the recommendation therefore remains not implemented.

46. GRECO concludes that recommendation vii has been partly implemented.

#### Recommendation viii

47. *GRECO recommended i) that persons with top executive functions be required to declare their financial interests publicly on a regular basis; (ii) that it be considered to include financial information on spouses and dependent family members in such declarations (it being understood that the latter information would not necessarily need to be made public); and (iii) that the declarations be subject to an appropriate review.*
48. GRECO recalls that this recommendation was not implemented, as there had been no tangible progress. GRECO recalled that the Evaluation Report found that the transparency over financial and business interests of federal ministers and parliamentary state secretaries (and state secretaries and directors general, as appropriate) needed to be considerably enhanced, in particular to disclose potential conflicts of interest. GRECO encouraged the authorities to pursue their efforts towards the implementation of this recommendation.
49. The authorities refer to their comments in the previous report. They also point out that, in Germany, neither the Federal Chancellor nor a federal minister may hold any other salaried office, or engage in any trade or profession (section 5 (1) of the Federal Ministers Act). They may not be a member of the management or, without the consent of the Bundestag, of the supervisory board of a for-profit company (Article 66 of the Basic Law (*Grundgesetz*, GG)).
50. GRECO notes that the authorities have not provided any new information in respect of this recommendation.
51. In view of the lack of any new developments, GRECO concludes that recommendation viii remains not implemented.

#### *Preventing corruption and promoting integrity in law enforcement agencies*

#### Recommendation ix

52. *GRECO recommended (i) that the Anti-Corruption Code of Conduct be expanded with standards of behaviour for the Federal Criminal Police Office and the Federal Police, tailored to the specifics of these two agencies, and that these standards be complemented with concrete examples and explanations of the conduct expected of police officers and (ii) that it be accompanied by effective oversight and enforcement.*

53. GRECO recalls that this recommendation was partly implemented. GRECO noted with satisfaction that a code of conduct, tailored to the specifics of the Federal Criminal Police Office, had been adopted on 8 March 2022 and made available to staff. As for the Federal Police, a specific code of conduct was in preparation. Given that the text of the code of conduct for the Federal Police was not yet available and that the issue of effective oversight and enforcement was pending, GRECO could not consider this recommendation as being fully implemented, but noted the encouraging progress made.
54. The authorities of Germany now report that the Federal Police has developed a code of conduct tailored to their own specific needs. The corruption prevention code of conduct for the Federal Police, which entered into force on 14 February 2023, is divided into six sections and addresses the issues of dealing with gifts/gratifications (i.e., "thank you gifts"), disclosing internal information, dealing with social media, training in the field of corruption prevention and contact points for corruption prevention. To ensure that the code of conduct is enforced in all areas in the long term, the Federal Police has initiated various implementation measures. All federal police authorities and their subordinate police stations, as well as the Federal Police Headquarters, have been informed of the code of conduct electronically. The code of conduct is available to all employees on the intranet of the Federal Police as a new prevention tool. In addition, the code of conduct is provided as a handbook (guide) to all Federal Police stations. Training courses and awareness-raising events on corruption prevention take place across Germany; participants also receive the code of conduct as a brochure. New recruits to the Federal Police receive the code of conduct and must acknowledge receipt of the code. Currently, the Federal Police is developing an e-learning course as an additional tool to prevent corruption. The code of conduct is to be integrated into theory and practice in the e-learning course. Lastly, the code of conduct is to be updated as and when amendments and additions become necessary, and its widespread use as part of internal prevention work is to be evaluated.
55. Regarding the second part of the recommendation, the authorities state that staff members are not only obliged to comply with the codes of conduct but are also strongly encouraged to report any violations by fellow staff. Various supervisory tools can be used to monitor adherence to the codes and detect violations, including the control of electronic information and communication media, location systems, time recording systems, employee screening, gate and locker checks, body searches and the use of investigators. Staff members who violate the codes are committing a misconduct in office. The sanctioning of such misconduct is based on the Federal Disciplinary Act (*Bundesdisziplingesetz*, BDG). In case of sufficient factual indications justifying the suspicion of misconduct, the superiors are under an obligation to initiate disciplinary proceedings. The higher superior and the highest service authority ensure compliance with this duty within the scope of their supervision. Disciplinary proceedings can be initiated at any time and their initiation must be recorded. Investigation must aim at comprehensively identifying relevant conduct and circumstances, including potential defences, mitigating and aggravating circumstances. This may result in disciplinary sanctions such as reprimand, fine, reduction in salary, demotion and dismissal from service. Disciplinary measures against retired civil servants include reduction of pension

and withdrawal of pension. In addition, failure to report corruption-related suspicions violates the civil service's duty of loyalty, advice and support and would have to be sanctioned in line with the gravity of the individual misconduct. The public prosecution offices are responsible for carrying out criminal investigations in cases of suspected corruption.

56. GRECO welcomes the adoption of a code of conduct tailored to the specific needs of the Federal Police. The code entered into force on 14 February 2023 and was made public on the intranet of the Federal Police. It deals with relevant integrity-related issues and contains concrete explanations of the conduct expected of police officers, as required by the recommendation. Against this background, and taking into account that a code of conduct was already adopted in respect of the Federal Criminal Police Office in March 2022, GRECO considers that the first part of the recommendation has been implemented satisfactorily. As regards the second part of the recommendation, GRECO is satisfied that oversight and enforcement of the two codes are ensured with the possibility of initiating disciplinary and/or criminal proceedings against staff members who violate the rules laid down therein and of imposing sanctions, depending on the gravity of the breach or misconduct involved.
57. GRECO concludes that recommendation ix has been implemented satisfactorily.
- Recommendation xi
58. *GRECO recommended strengthening the screening processes of new recruits in the Federal Police and repeating such screening processes at regular intervals throughout police careers.*
59. GRECO recalls that the recommendation was not implemented. GRECO noted that discussions were under way on an amended version of the Federal Police Act, which would include security clearance checks for all new recruits to the Federal Police, but no concrete outcome addressed yet this recommendation.
60. The authorities of Germany provide that, under section 75 of the Draft Act on the Federal Police (*Bundespolizeigesetz*, BPolG), persons who are to work for the Federal Police must undergo a simple clearance security check in accordance with the Security Checks Act.<sup>7</sup> The purpose of this new section is to increase protection against extremists who, if being employed by the Federal Police, may attempt to obstruct, endanger or infiltrate the performance of the tasks of the Federal Police. However, it is not the purpose of section 75 of the Draft Act on the Federal Police to provide for updates and repetitions of the security clearance checks.
61. The authorities explain that the security clearance checks initiated on the basis of section 75 of the Draft Act on the Federal Police in conjunction with section 8 of the Security Clearance Check Act are one-off recruitment checks in accordance with the purpose of the law (protection against extremists). According to the current legal

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<sup>7</sup> [Entwurf eines Gesetzes zur Neustrukturierung des Bundespolizeigesetzes](#), 21.02.2024, § 75. The simple security check may be waived if the nature or duration of the activity so permits.

situation of the Security Clearance Check Act, a security clearance check within the Federal Police is only permissible if a person is to be entrusted with security-sensitive tasks with the purpose of ensuring security of classified material and/or protection against sabotage within the meaning of section 1 (2) and (4) of the Security Clearance Check Act. These security clearance checks are updated and repeated for the duration of the person in question performing security-sensitive tasks.

62. GRECO takes note of the provision of the Draft Act on the Federal Police which provides for a one-off security check for all new recruits to the Federal Police. However, GRECO notes that the draft law has not yet been adopted and that the security check envisaged in the draft law does not correspond to the screening in the meaning of the recommendation, as it does not enable the competent authorities to gauge the vulnerability to corruption of police officers upon recruitment. As stated in the draft law, the new regulation is created to prevent extremist tendencies in the Federal Police and thus to check the personal circumstances and links to extremist groups when recruiting individuals.<sup>8</sup> This is a commendable goal, which should be complemented by further measures in order to implement the recommendation. In the absence of more comprehensive screening processes of new recruits, which have to be repeated at regular intervals throughout their career, GRECO can only say that the recommendation has not been complied with.

63. GRECO concludes that recommendation xi remains not implemented.

Recommendation xii

64. *GRECO recommended that measures be taken to provide for stricter internal oversight within the Federal Police, using a pro-active approach with comprehensive monitoring capacities.*
65. GRECO recalls that the recommendation was not implemented. GRECO took note of the position of the authorities, who opposed any pro-active monitoring of the Federal Police staff in the absence of reasonable suspicion. GRECO reiterated that a more pro-active approach should be taken in the detection of offences committed by staff of Federal Police, as advocated in the Evaluation Report.
66. The authorities reiterate that surveillance without a reason that goes beyond the usual scope of administrative and professional supervision is not practised by the Federal Police due to their understanding of leadership. More specific checks are carried out, for example those related to and provided by data protection legislation. Overseeing their staff is the responsibility of supervisors. A reform of the guidelines on police leadership is ongoing and it is envisaged to enshrine in the leadership vision the commitment of being a role model for integrity, responsibility and organisational responsibility.
67. GRECO notes that there have been no significant developments as regards the internal oversight within the Federal Police.

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<sup>8</sup> *Ibid.*, p. 131.

68. GRECO concludes that recommendation xii remains not implemented.

Recommendation xiii

69. *GRECO recommended that the protection of whistleblowers in the Federal Criminal Police Office and the Federal Police be strengthened.*

70. GRECO recalls that this recommendation was not implemented. GRECO took note of the ongoing initiatives to strengthen the protection of whistleblowers, also beyond the Federal Criminal Police Office and Federal Police, and to extend the legislation to other breaches than violations of EU law by means of a draft whistleblower protection bill.

71. The authorities now report that the Act for the Better Protection of Whistleblowers and for the implementation of the Directive on the protection of persons who report breaches of Union law, which contains the Whistleblower Protection Act (*Hinweisgeberschutzgesetz*, HinSchG) as new core legislation, entered into force on 2 July 2023. The scope of the Act for the Better Protection of Whistleblowers<sup>9</sup> (hereinafter “Whistleblower Protection Act”) is broad, in accordance with the Directive (EU) 2019/1937. It covers all persons who have obtained information on infringements in connection with their professional activity. In addition to employees and civil servants, these persons include, for example, self-employed individuals, shareholders or the employees of suppliers. All staff members of the Federal Police and the Federal Criminal Police Office are therefore protected under the Whistleblower Protection Act. The scope of the Act includes the legal areas stipulated by the EU Directive but goes beyond the requirements of that Directive. In particular, all infringements punishable by criminal law (including all corruption offences) and certain offences punishable by administrative fines have been included in the scope. In some cases and to a limited extent, the scope is also extended to national provisions in the respective regulatory area, which goes beyond the legal acts of the European Union to be included under the EU Directive. The channels that are available to whistleblowers for reporting infringements form the institutional core of the whistleblower protection system. In accordance with the EU Directive, persons reporting information can choose to report either to the internal reporting offices or directly to the external reporting offices. The internal and external offices review the reports they receive and take the necessary action.

72. The authorities further submit that the Federal Police and the Federal Criminal Police Office set up internal reporting offices back in 2023. A central reporting office was also set up as an external reporting office at the Federal Office of Justice (BfJ). In addition, the existing reporting offices at the Federal Financial Supervisory Authority (BaFin) and the Federal Cartel Office (BKartA) will continue as further external reporting units with special responsibilities. In accordance with the EU Directive, the Whistleblower Protection Act contains various protective measures for persons reporting information. A key element is the prohibition of reprisals. This includes all unjustified disadvantages suffered by a whistleblower as a result of reporting or disclosing information, such as dismissal, warning, refusal of promotion, altered delegation of tasks or disciplinary

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<sup>9</sup> An English version is available online at: [https://www.gesetze-im-internet.de/englisch\\_hinschg/](https://www.gesetze-im-internet.de/englisch_hinschg/)



measures. The Whistleblower Protection Act also contains a reversal of the burden of proof in favour of the protected person.

73. Furthermore, the Act on the Parliamentary Commissioner for the Federal Police Authorities (*Polizeibeauftragengesetz*, PolBeauftrG) has been in force since 28 February 2024. This Act assigns the tasks of detecting and investigating structural deficiencies, problematic developments and potential misconduct to the Parliamentary Commissioner for the Federal Police Authorities. The Parliamentary Commissioner is given investigative powers in order to resolve incoming cases.
74. GRECO takes note of the adoption of the Whistleblower Protection Act and its entry into force in July 2023. The Act notably guarantees a protection against retaliation to civil servants and other employees of the civil service who blow the whistle, including all staff members of the Federal Police and the Federal Criminal Police Office, and secures internal and external reporting channels. In addition to the legal areas stipulated by the EU Whistleblower Protection Directive, the scope of the Act extends to all infringements punishable by criminal law, including all corruption-related offences. GRECO is therefore satisfied that the protection of whistleblowers in the Federal Criminal Police Office and the Federal Police has been strengthened. GRECO hopes that the implementation of the Act will be accompanied by further awareness-raising activities in the future, so that personnel from the Federal Criminal Police Office and the Federal Police be informed on a regular basis about whistleblowing protection measures.<sup>10</sup>
75. GRECO concludes that recommendation xiii has been implemented satisfactorily.

#### Recommendation xiv

76. *GRECO recommended that the Federal Criminal Police Office and the Federal Police publish information on complaints received, action taken and sanctions imposed on its staff, including possible dissemination of relevant case-law, while respecting the anonymity of the persons concerned.*
77. GRECO recalls that this recommendation was not implemented. GRECO noted the absence of any progress with a view to publicly disclose information on complaints received by the Federal Criminal Police Office and the Federal Police, notably for reasons reported relating to the presumption of innocence and privacy of the persons concerned.
78. The authorities provide that all suspected cases of corruption within the Federal Criminal Police Office and the Federal Police are published in the Federal Government's Annual Report on Integrity. For each reporting year, the total number of corruption cases is recorded and the completed proceedings are presented, broken down by investigations, criminal proceedings, disciplinary proceedings and measures under

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<sup>10</sup> A 2024 study concluded that police officers were not sufficiently informed about the new Whistleblower Protection Act: see *GFF-Studie zu Whistleblowing: Großteil der Polizist\*innen fürchtet Konsequenzen bei Meldung von Fehlverhalten*, 14 March 2024, <https://freiheitsrechte.org/ueber-die-gff/presse/pressemitteilungen-der-gesellschaft-fur-freiheitsrechte/pm-quantitative-studie-mm>.



labour law. In addition, the number of suspects is indicated and also broken down by civil servants, soldiers, external staff and external third parties. The overview of cases also contains the specific case descriptions. The facts of each case are described, sorted by individual ministries, with the name of the specific authority provided. This report is public on the website of the Federal Ministry of the Interior and Community.<sup>11</sup>

79. GRECO appreciates that the Annual Integrity Report, published by the Federal Government, contains information and statistics on internal investigations and the handling of disciplinary and criminal proceedings against civil servants, broken down by ministries. While this represents a positive step, GRECO notes that this report does not allow the public to access statistics specific to the Federal Criminal Police Office and the Federal Police. GRECO observes that such statistics are only compiled and made public upon request, following a parliamentary question.<sup>12</sup> GRECO encourages the authorities to have a more pro-active approach in this respect for the recommendation to be considered fully implemented.

80. GRECO concludes that recommendation xiv has been partly implemented.

### III. CONCLUSIONS

81. In the light of the foregoing, GRECO concludes that Germany has implemented satisfactorily four of the fourteen recommendations set out in the Fifth Round Evaluation Report. Of the outstanding ten recommendations, six recommendations have been partly implemented and four have not been implemented.

82. More specifically, recommendations iv, ix, x and xiii have been implemented satisfactorily, recommendations i, ii, v, vi, vii and xiv have been partly implemented and recommendations iii, viii, xi and xii have not been implemented.

83. With regard to top executive functions, GRECO notes some progress overall. An executive footprint, which allows the tracing of representatives of special interests and third parties commissioned by federal ministries who have contributed significantly to specific legislative texts, has been introduced. The scope of the Lobbying Register Act has been widened and more information must be registered by representatives of special interests, thus increasing the level of transparency of lobbying. Rules on post-employment restrictions for state secretaries and directors general have also been strengthened, with the amendment of section 105 of the Act on Federal Civil Servants. That said, more efforts are required to implement certain outstanding recommendations relating, in particular, to the need to introduce a mechanism dedicated to monitoring specifically the respect of the integrity standards contained in the guidance manual and the anti-corruption code of conduct, to ensure that a

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<sup>11</sup><https://www.bmi.bund.de/DE/themen/moderne-verwaltung/integritaet-der-verwaltung/integritaetsberichte/integritaetsberichte-artikel.html>

<sup>12</sup> See *Interne Ermittlungen bei Bundespolizeibehörden und dem Zoll seit 2023*, 26.07.2024, [BT-Drucksache 20/12414](#) (Antwort der Bundesregierung).

systematic briefing on integrity issues be given to ministers and parliamentary state secretaries, to improve public access to information at federal level, to disclose sufficient information about meetings that persons with top executive functions have with lobbyists and third parties to the public, and to introduce an unequivocal obligation to disclose various situations of conflicts as they occur as well as to declare financial interests publicly on a regular basis.

84. With regard to the law enforcement agencies, GRECO welcomes the adoption of a code of conduct tailored to the specific needs of the Federal Police. Another positive development is the adoption and entry into force of the Whistleblower Protection Act, which provides protection against retaliation to all staff members of the Federal Police and the Federal Criminal Police Office. Efforts are underway to publish information and statistics on internal investigations and the handling of disciplinary and criminal proceedings against police officers and should be sustained. The authorities are also expected to take additional measures to strengthen the screening processes of new recruits in the Federal Police and to provide for stricter and proactive internal oversight within the Federal Police.
85. In view of the above, GRECO concludes that Germany is not in sufficient compliance with the recommendations contained in the Fifth Round Evaluation Report within the meaning of Rule 31 revised bis, paragraph 10 of the Rules of Procedure. GRECO therefore decides to apply Rule 32 revised, paragraph 2 (i) and asks the Head of delegation of Germany to provide a report on the progress in implementing the outstanding recommendations (i.e. recommendations i-iii, v-viii, xi, xii and xiv) by 31 March 2026.
86. In addition, in accordance with Rule 32 revised, paragraph 2, sub-paragraph (ii.b), GRECO invites the President of the Statutory Committee to send a letter – with a copy to the Head of delegation of Germany – to the Permanent Representative of Germany to the Council of Europe, drawing attention to the non-compliance with the relevant recommendations and the need to take determined action with a view to achieving further tangible progress as soon as possible.
87. Finally, GRECO invites the authorities of Germany to authorise, as soon as possible, the publication of this report, to translate it into the national language and to make the translation public.