First NAP Report (2026)
to the Council of Europe

submitted by the Federal Government of Germany

in accordance with Articles 22 and 23
of the European Social Charter

Status of ratification and obstacles
regarding non-ratified provisions (NAP) of the
Revised European Social Charter (RESC)

2026

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1. Introduction

The European Social Charter (ESC), adopted by the Council of Europe in 1961, complements the European Convention on Human Rights (ECHR) by guaranteeing economic, social and cultural rights. Germany ratified the ESC on 27 January 1965. In 1996, the Council of Europe adopted the Revised European Social Charter (RESC), which takes account of developments in labour and social policy over the 35 years since 1961. Germany ratified the RESC on 29 March 2021 following more than ten years of political and legal consensus-building. The RESC entered into force in Germany on 1 May 2021.

1.1 Ratifications

Germany has made use of the option of "à la carte" ratification and has entered reservations regarding eight provisions, and has therefore not ratified Articles 4§4, 7§1, 10§5, 21, 22, 24, 30 and 31.

Of the nine core provisions of the RESC, Germany had already ratified six (under the ESC) (Articles 1, 5, 6, 12, 13 and 16); with the ratification and notification of the RESC Articles 19 and 20 of the RESC were ratified, meaning that only one core provision out of nine (Art*icle* 7) has not been fully accepted due to the reservation.

With regard to the overall minimum ratification requirements set out in Article A§1 lit. c, Germany has met the minimum threshold of 16 ratified articles out of a total of 31, having fully ratified 23 articles, representing a ratification rate of just under 75%. Germany has also significantly exceeded the alternative requirement set out in Article A§1 lit. c – to ratify at least 63 provisions of the RESC – having ratified 88 out of a total of 98 provisions, representing a ratification rate of just under 90%.

The option of ratification à la carte had also helped to address existing incompatibilities with national regulations during the ratification process.

The scope of the ratified standards – covering almost 90% of all direct RESC requirements – shows that Germany already complies with a very significant proportion of the requirements under international law. The reasons impeding the adoption of the few remaining provisions – at least for the time being – are set out in this report.

Nevertheless, Germany makes a continuous and regular effort to review further commitments and pledges relating to the Charter's standards and to incorporate them into the adoption process, with a view to promoting the objectives of the Social Charter, advancing the economic and social progress, and protecting and further developing social human rights.

In this context, it should be noted that – contrary to what is stated in the Council of Europe's letter of 1 December 2025 and in the decision of the ECSR at its 351st meeting – there is no "*delay in accepting them [the non-accepted provisions]*" in a technical and formal sense. Such a delay would presuppose that there is a corresponding obligation to accept these (as yet unratified) provisions of the Charter. In this context, the Federal Government would like to recall the concept of the Social Charter mentioned above, which, whilst fundamentally geared towards progressive economic and social progress (see the Preamble to the Social Charter, Part I, first sentence of the RESC, Part III, Article A§1 lit. a of the RESC), but, as an international treaty, is subject to the autonomous decision of the member or contracting states as to whether, when and which of its provisions the state wishes or is able to sign or ratify (see Part II, sentence 1 of the RESC in conjunction with Part III, Article A§1 lit. b and lit. c, §3 of the RESC in conjunction with Article 19(b) of the Vienna Convention on the Law of Treaties), provided that the minimum requirements of Articles A and B of the RESC are complied with.

Notwithstanding this, the Federal Government would like to emphasize that it is constantly striving, within the limits of political, legal and budgetary constraints, to ensure that social rights are safeguarded ever more effectively. Discussions on the ratification of non-accepted provisions of the RESC are held both on an ongoing basis and, from time to time, on specific occasions or when appropriate, in order to avoid the non-ratification becoming entrenched for an indefinite period.

Germany is committed to the shared goal of effectively promoting human and social rights. As human and social rights have always aimed to unite people and create a common foundation and a framework for improvement and progress, the Federal Government supports the high ambitions shared by all parties to the Social Charter as well as by the Council of Europe and the Charter's treaty bodies in the field of social, economic and other rights – both in legislation and in practice.

Germany therefore seeks to work closely with all relevant stakeholders in order to achieve genuine, tangible and meaningful progress in the areas of social justice and labour, economic and social rights through an intensive and open dialogue within the Council of Europe, with all relevant stakeholders and with other international partners.

1.2 Table of accepted provisions

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	2.6	2.7	3.1
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19.4	19.5	19.6	19.7	19.8	19.9	19.10	19.11	19.12	20	21	22
23	24	25	26.1	26.2	27.1	27.2	27.3	28	29	30	31.1
31.2	31.3	AP1	AP2	AP3		*AP = Additional Protocol*			*Grey = Accepted provisions*		

1.3 Monitoring (non-accepted provisions procedure/ NAP procedure)

Article C of the RESC, in conjunction with Article 22 of the ESC, provides that the Contracting Parties must submit reports on those provisions of the Charter which they have not adopted or ratified. Article 22 thus empowers the Committee of Ministers (CM) of the Council of Europe to request reports from member states at regular intervals on those substantive articles, paragraphs or provisions of the main treaty which they have not (yet) accepted upon accession. The aim of this process, laid out in Article 22, is to exert pressure on the contracting states or provide incentives so that they gradually raise their social protection standards and ultimately recognise the non-accepted provisions of the Charter in law.

Article 22 (Reports concerning provisions which are not accepted) reads as follows: "*The Contracting Parties shall send to the Secretary General, at appropriate intervals as requested by the Committee of Ministers, reports relating to the provisions of Part II of the Charter which they did not accept at the time of their ratification or approval or in a subsequent notification. The Committee of Ministers shall determine from time to time in respect of which provisions such reports shall be requested and the form of the reports to be provided.*"

In accordance with Decision CM/Del/Dec(2002)821/4.1 of the Committee of Ministers of 11 December 2002 on the implementation of the procedure concerning the non-accepted provisions of the European Social Charter, these reports are to be submitted at intervals of five years following ratification, and the CM authorised the European Committee of Social Rights (ECSR) to make the practical arrangements for the submission and examination of these reports. The Decision of the Committee of Ministers of 11 December 2019 (CM/Del/Dec(2019)1363/4. 1c) granted the ECSR the authority, under paragraph 9, to facilitate dialogue within the reporting procedure concerning the non-ratified provisions under Article 22.

In this report, Germany provides written information on the provisions of the Charter that have not been ratified, sets out the reasons for the non-acceptance of individual provisions, and gives an overview of the progress made and the obstacles encountered with regard to the possible ratification of individual provisions. In assessing and deciding on obstacles to ratification or the consequences of ratification, as well as on the nature and scope of the information contained in the report, the present report incorporates the interpretation of the provisions of the Charter by the European Committee of Social Rights in such a way as such an interpretation is reflected in the findings of the ECSR.

This is the first report on non-accepted provisions of the Social Charter (NAP Report) by the Federal Government of the Federal Republic of Germany (NAP Report Germany 2026).

2. Non-accepted provisions of Part II of the RESC

2.1 Article 4§4 – The right of all workers to a reasonable period of notice for termination of employment

2.1.1 Text and content of the provision

Article 4§4 – The right of all workers to a reasonable period of notice for termination of employment

With a view to ensuring the effective exercise of the right to a fair remuneration, the Contracting Parties undertake:
[…]
4 to recognise the right of all workers to a reasonable period of notice for termination of employment.
[…].

Article 4§4 of the RESC, which grants the right to a reasonable period of notice in the event of the termination of an employment relationship, is not included among the core provisions listed in Article A§1 lit. b of the RESC.

2.1.2 Situation in Germany

The main obstacle to ratification in Germany is the legal situation under Section 622(4) of the German Civil Code (*Bürgerliches Gesetzbuch* – BGB), which does not fully comply with Article 4§4 of the RESC or, more specifically, the ECSR's interpretation thereof.

Under Section 622(4) of the German Civil Code, the parties to a collective agreement may stipulate notice periods that deviate from those set out in Section 622(2) of the German Civil Code – including shorter periods. This is can be ascribed to the collective bargaining autonomy stipulated under Article 9(3) of the Basic Law (*Grundgesetz* – GG), which protects the right of trade unions and employers' associations to regulate working and economic conditions (such as wages, working hours, and notice periods) autonomously and without state intervention in collective agreements. This broad scope for discretion granted to the parties to collective agreements is based on the fact that the social partners have far greater practical knowledge of the subject matter. The parties to collective agreements are familiar with the circumstances in their sector and are better able to regulate their employment relationships, taking into account sector-specific characteristics, than a state institution could.

Another obstacle to ratification is the provision on termination without notice for a compelling reason under Section 626 of the German Civil Code. In very exceptional cases, these provisions generally allow for termination without notice even in circumstances that do not constitute serious culpable misconduct on the part of the employee.

2.1.3 Implications of ratification

The law governing notice periods has therefore already been made more flexible in order to best reflect the intentions of the parties to collective agreements. Any protection going beyond the existing statutory and collectively agreed rights of termination is purely declaratory and, given the already highly detailed legal framework governing protection against dismissal in Germany, has no further practical implications. In this regard, Germany already has a robust and nuanced legal framework, as well as significant legal instruments (collective bargaining autonomy), which strengthen workers' rights in a sustainable manner, including with regard to notice periods.

The ratification is unlikely to have any effect that would add practical value beyond the current legal situation in Germany. Regardless, the ratification is expected to entail a considerable administrative burden.

2.1.4 Assessment and conclusion

At present, the obstacles to the implementation of Article 4§4 of the RESC are such that, particularly for the reasons mentioned and given the (constitutional) legal context of the situation in Germany, ratification of the said article is not possible.

2.2 Article 7§1 – Minimum age of admission to employment of 15 years

2.2.1 Text and content of the provision

Article 7§1 – minimum age of admission to employment of 15 years

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:
1 to provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education
[…].

2.2.2 Situation in Germany

In Germany, children who are no longer subject to full-time compulsory schooling may, under Section 7 of the Youth Employment Protection Act (*Jugendarbeitsschutzgesetz* – JArbSchG), begin vocational training as early as the age of fourteen without any restrictions on the content of the training, and may be employed in accordance with the regulations applicable to young people. This applies for children who started school at the age of five and if compulsory schooling lasts only nine years. The same applies in cases where children have skipped a school year and obtained their school-leaving certificate early.

The organisation of compulsory schooling falls within the competence of the federal states; in most cases, children start school at the age of six and, following a minimum of nine years of compulsory schooling, are sixteen – or in some cases fifteen – by the time they begin their vocational training.

Due to varying rules regarding cut-off dates, the fact that the start of the summer holidays changes from year to year, and in the case of unfavourable timing of a child's specific birthday – particularly for children living in a federal state where compulsory schooling lasts nine years – it is theoretically possible that a child who started school at the age of five could still be fourteen when beginning its vocational training.

The German youth health and safety system is underpinned by the principle of safeguarding physical and mental development and prioritising education.

Section 5(1) of the Youth Employment Protection Act provides for a general ban on the employment of children. To take account of the need for initial practical experience, exceptions are permitted for children who are no longer subject to compulsory full-time schooling, as well as for children over the age of 13 for light work suitable for children, provided that such work does not adversely affect the children's safety, health and development or their school attendance (Section 5(3) of the Youth Employment Protection Act). Such exceptions require the consent of the child's legal guardians.

Work carried out in accordance with Section 5(3) of the Youth Employment Protection Act is limited to a maximum of two hours (or three hours in the case of family-run agricultural businesses) and must not be carried out between 6.00 pm and 8.00 am, nor before or during school hours.

During school holidays, young people who are no longer subject to compulsory full-time schooling may undertake work within certain limits (Section 5(4) of the Youth Employment Protection Act). To allow for a period of rest and recuperation during the school break, holiday work is limited to a maximum of four weeks per calendar year, meaning that the rest period required by the ECSR is already structurally enshrined in the law.

A key pillar of the German protection system is compulsory medical supervision in accordance with Sections 32 et seq. of the Youth Employment Protection Act. Young people entering the workforce may only be employed if they have undergone a medical examination within the last 14 months (initial examination) and the employer has been provided with a corresponding certificate. This examination explicitly assesses whether the intended work poses a risk to the young person's health or physical development. To ensure long-term well-being, a follow-up examination is scheduled after the first year of employment to identify any adverse effects of the work at an early stage.

Compliance with these provisions is monitored in Germany by the state labour inspectorates or occupational safety and health authorities. German practice thus aligns with the ECSR's call for effective monitoring and enforcement of workers' rights across all sectors of the economy.

2.2.3 Implications of ratification

Ratification of Article 7§1 of the RESC would mean that in some special cases young people would have to wait until they reach the age of fifteen before starting vocational training, or that the vocational training regulations would have to be amended through a highly complex procedure; in individual cases and in specific trades, given the physical demands of certain tasks to be learnt, this would effectively amount to a ban on employment.

Without such adequate adaptation, however, there would be a risk of gaps in a young person's educational and training history at an age when the continuity of their educational and training situation is essential for both their professional development and their psychosocial development – and thus for the goals and values that underpin the Charter and should be promoted (see Article 1, Articles 10§1, 10§2 of the RESC). Gaps in a teenager's school and training history lead employers, trainers and peers to question their character. Teenagers in particular may consequently feel quickly marginalised and/or treated with hostility, and may consequently tend towards compensatory behaviour in response to these subjectively perceived – and in some cases even correctly perceived – signals.

In order to ensure seamless education and training of these young people as well as a gapless CV in the event of the ratification of Article 7§1 RESC, a – from a German perspective – disproportionate amendment to the Youth Employment Protection Act would be necessary, which, given the federal structure and the distribution of responsibilities in this area, would entail a considerable parliamentary and administrative burden, as the reforms would affect not only federal law but also the laws of the 16 federal states. Given the dubious benefits, ratification of Article 7§1 would entail a disproportionate burden and would offer no added value, both in substance and in view of the limited group of people for whom the change resulting from ratification would be significant – for the vast majority of pupils start school at the age of six.

It should also be noted that, in all federal states, an even earlier start to school may be possible in exceptional cases upon application by the parents or guardians (often in conjunction with a required expert opinion). This provision – which falls within the cultural sovereignty of the federal states (the *Länder*) – would also need to be deleted or amended, where necessary, with regard to the consequences for admission to training, in order to prevent gaps in the training history – as well as the risks associated with such gaps, as outlined above.

According to current findings, taking these factors into account, the number of cases is therefore small. This applies in particular to children who start school at the age of five and (due to the short nine-year compulsory schooling period in some federal states) leave secondary school at the age of fourteen. Furthermore, as children often reach the age of fifteen quite quickly, the situation described is only temporary; in most cases, it lasts for just a few months.

With regard to the occurrence of cases, these changes are likely to have only a minor impact – in other words, a change ‘only in law, but rarely in practice’ – and, moreover, they would sacrifice the flexibility of the existing system in favour of atypical career paths, in the interests of fairness in individual cases. Consequently, the effort involved is disproportionate to the rather minor effects of the legal situation thus created, meaning that proportionality could be denied.

Such a proceeding to restricting this parental right would also run the risk of parents perceiving the state and international regulations as interfering.

2.2.4 Assessment and conclusion

In Germany, through the combination of strict time limits, the link to compulsory full-time schooling and close medical supervision a high level of protection has already been established that, in substance, meets the objectives of the Charter.

The effort required to ratify Article 7§1 would be disproportionate, as it would necessitate significant adjustments without resulting in a substantially higher level of protection. The protection against child labour currently enshrined in German law already provides, for the vast majority of children, a level of protection equivalent to that set out in Article 7§1 of the RESC.

At the same time, national law provides flexibility which, in very rare exceptional cases, prevents those who have left school early from being disadvantaged, thereby enabling them to begin vocational training shortly before their 15th birthday. Thus, the current German approach leads to greater fairness and flexibility in individual cases than could be achieved if Article 7§1 of the RESC were ratified. Consequently, there are still no plans to ratify this Article.

2.3 Article 10§5 – The right to vocational training: Assistance, promotion, efficiency and protection of vocational training

2.3.1 Text and content of the provision

Article 10§5 – Assistance, promotion, efficiency and protection of vocational training

With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:
[…]
5 to encourage the full utilisation of the facilities provided by appropriate measures such as:

a reducing or abolishing any fees or charges;

b granting financial assistance in appropriate cases;

c including in the normal working hours time spent on supplementary training taken by the worker, at the request of his employer, during employment;

d ensuring, through adequate supervision, in consultation with the employers' and workers' organisations, the efficiency of apprenticeship and other training arrangements for young workers, and the adequate protection of young workers generally.

Article 10§5 covers four specific areas: the reduction or abolition of fees or charges; financial assistance for training; the recognition of continuing professional development as part of working hours; and the monitoring of the effectiveness of training arrangements.

2.3.2 Situation in Germany

In Germany, vocational training is generally free of charge, and trainees in dual training programs generally receive compensation. Nevertheless, the elimination of all fees can be problematic in certain cases.

Pilot training serves as a clear and illustrative example of why the costs of vocational training cannot be completely eliminated or reduced in every program: The fact that pilot training fees—which generally range from 60.000 to 120.000 euros—cannot simply be eliminated is primarily due to the immense operating costs and the financial risk for airlines. Operating costs are particularly high because training is extremely resource-intensive. Cost factors include aircraft rental, jet fuel, and maintenance, as well as the use of expensive high-tech flight simulators and highly qualified flight instructors, plus mounting landing fees. In the past, some airlines covered these costs upfront; today, however, students usually pay the fees themselves because of the high risk of turnover. For example, if an airline pays for the entire training but the pilot switches to a competitor after completion, the airline has financed training that benefits the competitor.

In addition, there have been significant market fluctuations in recent years. Especially during or since times of crisis (such as the COVID-19 pandemic), airlines cannot afford to invest so heavily in training personnel whose future employment is not guaranteed two years down the line. Unlike a degree program at a public university, pilot training is also mostly organized by the private sector and receives hardly any government subsidies.

The same applies to the field of **psychotherapy**: depending on the institution and specialization, costs can range from 20.000 to 50.000 euros.

In the **creative and media industries**, too, there are professions that are somewhat more expensive, such as fashion design, game design, and acting, where training with private providers can cost up to around 30.000 euros.

Article 10§5 lit. b provides “*granting financial assistance in appropriate cases*”.

Germany enables persons in training (students, trainees, and high school students) through measures such as the **Federal Training Assistance Act** (*Bundesausbildungs-förderungsgesetz* – BAföG), to pursue vocational or secondary education in Germany that aligns with their interests—even if their parents cannot provide financial support. Similarly, in many federal states, students are relieved of the financial burden through tuition-free education at vocational schools in the healthcare sector.

Especially the Federal Training Assistance Act already ensures, even under current law, that financial assistance is provided for vocational training in appropriate cases. Thus, under Section 1 of the Federal Training Assistance Act, there is a legal entitlement to training that corresponds to the trainee’s interest, aptitude, and performance if the trainee does not have the necessary funds for their living expenses and training available from other sources. However, equal treatment of foreign and German nationals is not provided for in all cases, nor is an unlimited number of training programs financed through the Federal Training Assistance Act.

Background on the Federal Training Assistance Act

Students who do not have the necessary funds to cover their living expenses and education from other sources (e.g. their parents' income) can receive financial support for their education through the Federal Training Assistance Act.

Pupils in general and vocational secondary schools may also be eligible for state financial assistance through Federal Training Assistance Act, starting in the 10th grade. For certain types of schools, eligibility for student aid is contingent upon the student’s need for off-campus housing (e.g. because the educational institution is not easily accessible from the parents’ place of residence).

The amount of financial aid generally depends on the trainee’s income and assets, as well as on the income of their spouse or partner and their parents.

As of the winter semester 2024/2025, students at universities and colleges who do not live with their parents can receive up to 992 euros per month (855 euros for living expenses and housing, a 102-euro health insurance supplement, and a 35-euro long-term care insurance supplement). In addition, a childcare supplement of 160 euros per child may also be available. The funding is generally provided within the maximum funding period, with half as a grant and half as an interest-free government loan, although the childcare supplement is paid exclusively as a grant. Repayment of the government loan, which is structured to be socially and income-dependent, is made in a maximum of 77 monthly instalments of 130 euros each (thus a maximum of 10.010 euros).

Since the start of the winter semester 2024/2025, a one-time financial grant of 1.000 euros is also available at the start of studies (known as the *Studienstarthilfe*, the “study start grant”), which is provided regardless of whether the student receives monthly benefits through the Federal Training Assistance Act. The study start grant is intended for individuals under the age of 25 who receive certain social benefits prior to the start of their studies and are enrolling in a degree program for the first time.

Starting in the 2024–2025 school year, pupils can receive up to 276 or 775 euros per month in educational assistance under the Federal Training Assistance Act, depending on whether they live with their parents and the type of educational institution they attend. If recipients actually incur costs for health and long-term care insurance, a health and long-term care insurance supplement is generally granted in the amount of 137 euros, and in individual cases up to 233 euros. In addition, a childcare supplement of 160 euros may also be claimed. The sc. “*Schüler-BAföG*” (support for pupils under the Federal Training Assistance Act) is provided in its entirety as a non-repayable full grant.

In 2024, approximately 483,800 students and just under 129,000 high school pupils received educational assistance under the Federal Training Assistance Act. Federal spending on student assistance under the Federal Training Assistance Act totaled just under 2.6 billion euros, while spending on pupils’ assistance amounted to approximately 500 million euros. Students receiving financial aid received an average of 657 euros per person per month, while high school students receiving financial aid received an average of 539 euros per person per month.

In advanced stages of training, the federal government’s training loan program (the sc. *Bildungskredit*) may also be available, if applicable.

Equal treatment of foreign nationals and German citizens

The Federal Training Assistance Act does not provide for full equality of treatment between foreign nationals and German citizens. While Section 8 of the Federal Training Assistance Act stipulates that foreign nationals may also be eligible for educational assistance under certain circumstances, they must meet specific requirements to qualify.

Under the Federal Training Assistance Act, EU citizens, for example, are eligible for financial aid, if they have been living legally and permanently in Germany for at least five years and thus possess a right of permanent residence (Section 8(1) No. 2 of the Federal Training Assistance Act) or, in addition to their education in Germany, are engaged in employment that qualifies them as EU employees or self-employed persons and entitles them to freedom of movement (Section 8(1) No. 3 of the Federal Training Assistance Act). EU citizens who, prior to the start of their education in Germany, were themselves in an employment relationship that is substantively related to the training (Section 8(1) No. 4 Federal Training Assistance Training Act) are also personally eligible for funding.

Third-country nationals may also be personally eligible for financial aid, such as holders of a settlement permit or a long-term residence permit-EU (Section 8(1) No. 2 of the Federal Training Assistance Act), recognized asylum seekers and refugees under the Geneva Refugee Convention, as well as beneficiaries of subsidiary protection (Section 8(2) No. 1 of the Federal Training Assistance Act), and holders of a residence permit under Section 24 of the Residence Act (cf. Section 61 of the Federal Training Assistance Act). In certain circumstances, eligibility for funding under Section 8 of the Federal Training Assistance Act also requires that the trainee has their permanent residence in Germany. The existence of a stable residence in Germany and thus a certain prospect of remaining in the country is also relevant here. Accordingly, pursuant to Section 8(2) No. 2 and Section 8(2a) of the Federal Training Assistance Act (i.e., for example, in the case of foreigners with merely tolerated status under Section 60a et seq. of the Residence Act), a prerequisite for personal eligibility for funding is that the trainees have been residing in Germany for at least 15 months without interruption, either legally, with permission, or with tolerated status.

In the case of funding for studies abroad (i.e., funding for education under the Federal Training Assistance Act outside of Germany), the assessment of a sufficient connection to Germany is only possible for students covered by Section 8(1) No. 1-5 of the Federal Training Assistance Act, in order to compensate for the lack of a permanent residence in Germany (Section 5(2), sentence 4 of the Federal Training Assistance Act).

Basic entitlement to benefits

Financial support under the Federal Training Assistance Act is generally granted only for initial education pursuant to Section 7(1) of the Federal Training Assistance Act (for eligibility for master's degree programs, see Section 7(1a) of the Federal Training Assistance Act). This consists of secondary general education and vocational training (i.e., training that provides basic vocational education or specialized vocational knowledge and, as a rule, also a vocational qualification).

Once the basic eligibility for financial aid under Section 7(1) of the Federal Training Assistance Act has been exhausted (for changes in field of study or discontinuation of studies, see Section 7(3) of the Federal Training Assistance Act), further education may be funded only under the exceptional circumstances specified in Section 7(2) of the Federal Training Assistance Act.

Free access to educational materials

It is also important to note in this context that, while there are specific areas in which prospective professionals must cover high fees or costs themselves, the principle of free educational materials generally applies in Germany.

Free or subsidised/funded vocational training

Young people enrolled in a dual vocational training program can generally cover their living expenses through a combination of a training allowance, vocational training assistance (*Berufsausbildungsbeihilfe*, BAB), and basic income support. This means that if the training allowance is not sufficient to cover living expenses, BAB can be applied for under Sections 56 et seq. of Book III of the Social Code (*Sozialgesetzbuch Drittes Buch* – SGB III). In addition, further financial support options—for example, if rent is high—may be available through basic income support. Vocational training assistance is a benefit designed in accordance with the Federal Training Assistance Act. The close integration of BAB and the Federal Training Assistance Act ensures the consistent development of training support for high school students, for university students, and for trainees in company-based or school-based training and vocational preparation.

Under the **Act on the Promotion of Vocational Advancement Training** (*Aufstiegs-fortbildungsförderungsgesetz* – AFBG), participants in vocational advancement training programs receive financial support in the form of contributions toward the costs of the program and living expenses, in accordance with the provisions of the Act (Section 1 of the Act on the Promotion of Vocational Advancement Training). The target group includes, for example, prospective master craftsmen, technical specialists, business administrators, or technical college students (Section 2(1) of the Act on the Promotion of Vocational Advancement Training).

Regardless of income or assets, participants in full-time or part-time continuing education programs receive assistance toward course and examination fees and the cost of the final project, with half provided as a grant and half as a low-interest loan (Sections 10(1) and 12(1) of the Act on the Promotion of Vocational Advancement Training). Upon passing the final examination, 50% of the loan is forgiven upon application (Section 13b of the Act on the Promotion of Vocational Advancement Training). The maintenance grant is provided as a subsidy for full-time continuing education programs, subject to income and assets (Sections 10(2) and 12(2) of the Act on the Promotion of Vocational Advancement Training).

In this regard, the Act on the Promotion of Vocational Advancement Training contains balanced provisions for the individual support of advanced vocational training. It should be noted that advanced vocational training generally builds on initial training that has already been completed; in other words, it does not generally involve initial training. Rather, the aim is to expand professional competence and advance one's career.

In addition to German nationals, support is provided to EU citizens (in accordance with EU law) and, subject to the statutory requirements, to third-country nationals as well (Section 8 of the Act on the Promotion of Vocational Advancement Training). Full equality of treatment between foreign and German nationals is not provided for.

Expenditures under the Act on the Promotion of Vocational Advancement Training are funded 78% by the federal government and 22% by the federal states (*Länder*).

A general obligation on employers to count time that an employee spends attending training courses at the employer's request toward so-called normal working hours would not be practicable. In principle, it must be left to the social partners and the parties to the employment contract to agree on specific arrangements regarding compensation or the granting of time off in lieu for attending training courses. The introduction of undefined legal terms that could lead to new legal uncertainty should be avoided.

2.3.3 Implications of ratification

Given the four sub-cases under Article 10§5 of the RESC alone, the scope of review and implementation here is very broad—while the anticipated positive social impact is likely to be rather limited. Furthermore, it does not appear possible to make a fair and transparent distinction between training programs for which fees may be waived or subsidised and other training programs using objective criteria without being accused of arbitrariness. In this respect, both the scope of application and the interpretation of the individual sub-provisions of Article 10§5 appear to be highly vague; this circumstance argues against ratification, as this decision would consequently entail considerable uncertainty for the German legislature.

Furthermore, from a purely communicative standpoint—not to mention issues of fairness and legal admissibility in terms of non-discrimination (see Article E of the RESC)—it would be difficult, if not very challenging, to achieve a general understanding and consensus that something many would view as a personal decision and, above all, an investment in a future profession that is quite lucrative with correspondingly high earning potential should be partially socialized or shifted away from the person who makes this decision and could reap the future rewards.

It is relevant here that a significant number of the training providers whose costs are addressed in Article 10§5 of the RESC are likely to be private (commercial) entities. Therefore, a reduction or abolition of these costs and fees would likely constitute an impermissible encroachment on their constitutionally guaranteed rights, or they would have to be borne by the general public through tax financing, which would likewise require substantial constitutional justification. In any case, passing on the costs of training providers to the general public through tax revenue would not be consistent with the core principles of the social market economy and is therefore to be rejected.

2.3.4 Assessment and conclusion

Due to the provision's complexity and broad scope—which would require the involvement of countless ministries, government agencies, and business circles on a wide range of issues—there are also de facto obstacles to its ratification. In the vast majority of cases, vocational training in Germany is tuition-free, and trainees are often paid. In individual cases, however, high operating costs may arise from the use of expensive resources during training, high personnel expenses due to one-on-one supervision in individual training, the exclusivity of specific training content not covered by the state, and the fact that these costs/fees in most cases represent a clear investment toward a future (higher) income. This may result in fees being charged for specific training—particularly by private providers. Therefore, ratification cannot be carried out in this instance.

Another argument in favour of maintaining the reservation regarding Article 10§5 is that the scope, reach, and interpretation of the provision are already very vague, and ratification would entail considerable uncertainty for the German legislature. Furthermore, the phrasing "*granting financial assistance in appropriate cases*" is very broad. This fails to take into account that providing funding for an unlimited number of educational programs would contradict the existing system under the Federal Training Assistance Act. Furthermore, the interpretation by the relevant committee that foreign nationals must be granted equal treatment with regard to financial support cannot be reconciled with the existing system.

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Another argument against lifting the reservation is that, under the RESC, such a claim to financial aid could be established—contrary to the existing system—and that the interpretive guidelines issued by the competent committee would thereby undermine the broad discretion granted to the legislature regarding the Federal Training Assistance Act under the case law of the Federal Constitutional Court.

Similar considerations apply to scholarships provided as part of programs to support gifted individuals in vocational and academic settings. On the one hand, these are aimed at specific target groups (individuals demonstrating exceptional performance in training and/or their profession, or particularly gifted trainees/students); and, on the other hand, at specific eligibility criteria (including support for further vocational training, a transition from vocational to academic education, or academic (further) education per se), which fit into the existing system of educational funding.

Removing the reservation regarding Article 10§5 of the RESC would interfere with the existing framework, particularly with regard to the points listed in connection with the Federal Training Assistance Act (support for all forms of vocational (continuing) education, unrestricted equal treatment of foreign nationals). In this respect, there are also objectively justified limitations in the area of support for gifted students, based on the general alignment with the regulations applicable under the Federal Training Assistance Act, which ensure performance-based educational support for defined individuals and circumstances deemed particularly deserving of support within the framework of national discretion and should be maintained accordingly.

Also, in light of the Act on the Promotion of Vocational Advancement Training, ratification of Article 10§5 of the RESC, cannot be considered. The Act on the Promotion of Vocational Advancement Training already contains balanced provisions for the individual promotion of vocational training leading to higher qualifications. Any further obligation on the part of the legislature would unduly restrict the national legislature’s discretion and would entail unforeseeable consequences as well as unforeseeable financial and bureaucratic burdens.

Furthermore, there is currently no direct political mandate for the ratification of Article 10§5 of the Charter.

Overall, therefore, the ratification of Article 10§5 of the RESC cannot be considered at this time.

2.4 Article 21 – The right to information and consultation

2.4.1 Text and content of the provision

Article 21 – The right to information and consultation

With a view to ensuring the effective exercise of the right of workers to be informed and consulted within the undertaking, the Parties undertake to adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice:

a to be informed regularly or at the appropriate time and in a comprehensible way about the economic and financial situation of the undertaking employing them, on the understanding that the disclosure of certain information which could be prejudicial to the undertaking may be refused or subject to confidentiality; and

b to be consulted in good time on proposed decisions which could substantially affect the interests of workers, particularly on those decisions which could have an important impact on the employment situation in the undertaking.

Appendix (Articles 21 and 22)

1. For the purpose of the application of these articles, the term "workers' representatives" means persons who are recognised as such under national legislation or practice.

2. The terms "national legislation and practice" embrace as the case may be, in addition to laws and regulations, collective agreements, other agreements between employers and workers' representatives, customs as well as relevant case law.

3. For the purpose of the application of these articles, the term "undertaking" is understood as referring to a set of tangible and intangible components, with or without legal personality, formed to produce goods or services for financial gain and with power to determine its own market policy.

4. It is understood that religious communities and their institutions may be excluded from the application of these articles, even if these institutions are "undertakings" within the meaning of paragraph 3. Establishments pursuing activities which are inspired by certain ideals or guided by certain moral concepts, ideals and concepts which are protected by national legislation, may be excluded from the application of these articles to such an extent as is necessary to protect the orientation of the undertaking.

5. It is understood that where in a state the rights set out in these articles are exercised in the various establishments of the undertaking, the Party concerned is to be considered as fulfilling the obligations deriving from these provisions.

6. The Parties may exclude from the field of application of these articles, those undertakings employing less than a certain number of workers, to be determined by national legislation or practice.

Article 21 of the RESC guarantees employees' right to information and consultation within the undertaking. Under this provision, employees or their representatives must be informed regularly or in good time of the economic and financial situation of the undertaking and must be consulted in good time on planned decisions which could significantly affect their interests (in particular those with an impact on employment).

When considering the context of the undertaking, it is clear that the obligation set out in Article 21 to inform and consult employees is intended to be ensured "*within the undertaking*".

2.4.2 Situation in Germany

Article 21 determines that the rights set out therein must be able to be exercised in the various, i.e. all, establishments of an undertaking. This obligation is not fully guaranteed under German law.

The provision of information to and consultation with employees, as set out in Article 21 of the RESC, is primarily governed in Germany by the Works Constitution Act (*Betriebs-verfassungsgesetz* – BetrVG).

The primary point of reference for the works constitution is the establishment. In establishments with at least five permanent employees eligible to vote, a works council may be elected (Section 1 of the Works Constitution Act). According to case law, an establishment is the organisational unit within which an employer, either alone or together with its employees, continuously pursues specific operational objectives using technical and non-material resources. At company level, a general works council may be elected where applicable (Sections 47 et seq. of the Works Constitution Act).

Employees are not obliged to elect a works council. In2025, around 35% of employees in Germany are represented by a works council (source: IAB Establishment Panel 2025).

In establishments with a works council, the employer must report at least once a calendar year at a staff meeting to be convened by the works council; this reporting obligation relates, amongst other things, to the economic situation and development of the company (Section 43(2), third sentence, of the Works Constitution Act).

In addition to rights to information and consultation on specific matters, works councils have significantly more extensive rights of participation and co-determination. In the event of planned operational changes that may entail significant disadvantages for the establishment's workforce or significant sections of the undertaking's workforce (e.g. closures, relocations, fundamental changes to the organisation of the establishment), the employer has a comprehensive duty to inform and consult with the works council under Sections 111 et seq. of the Works Constitution Act; the works council may enforce a social plan. Furthermore, in many managerial decisions – for example, in the areas of personnel planning, work organisation, the introduction and use of IT systems, and social matters – the works council has far-reaching rights of participation and co-determination, which are accompanied by rights to information and consultation for the employee representatives. Individual employees also have rights to information and consultation in certain matters that affect them, for example under Section 81 of the Works Constitution Act (regarding their duties and responsibilities) or Section 82 of the Works Constitution Act (right to be heard on operational matters).

The employer may have further reporting obligations towards the finance committee. This committee must be established in companies with more than 100 employees (Section 106 et seq. of the Works Constitution Act). The role of the finance committee is to inform the works council, amongst other things, about the economic and financial situation of the company. The members of the finance committee are appointed by the works council. Consequently, the formation of the finance committee first requires that a works council has been established in at least one of the company’s establishments.

In undertakings with more than twenty permanent employees eligible to vote in (works council) elections, employees must be informed at least once every quarter about the company’s financial situation and development. Where there are 1,000 or more permanent employees, this information must be provided in writing (Section 110 of the Works Constitution Act).

2.4.3 Implications of ratification

Article 21 defines its scope of application in relation to the term “*undertaking*”, which refers to “a collection of tangible and intangible elements […]”. In contrast, the national provisions of the Works Constitution Act generally refer to the “*establishment*”, as this serves as the point of reference for the establishment of works councils. “*Undertaking*” and “*establishment*” are not synonymous.

Although the formation of a works council requires (only) the minimum threshold of five permanent employees eligible to vote within an establishment (or part thereof), the election of a works council is not mandatory for employees. In 2025, as outlined above, around 35% of employees in Germany are represented by a works council. Under Part V, Article I of the RESC, however, the implementation of Article 21 requires the rights set out therein to apply to the vast majority of the employees concerned.

Ratification of Article 21 of the RESC would therefore mean that Germany would be unable to guarantee the rights to information and consultation for workers employed in establishments without employee representation – and would thus fail to fulfil the obligation. The obligation could also not be fulfilled through the participation of the employees themselves, as this is not provided for under German law.

Since the interpretation of the provision requires that all workers be covered by works councils, ratification within the German system would necessitate the introduction of a legal obligation to establish works councils. German law on workplace co-determination, however, is based on the principle that the decision to establish and elect a works council is made by the workers themselves.

2.4.4 Assessment and conclusion

For the reasons outlined above, and given the scope of the provision, there are still obstacles to the ratification of Article 21 of the RESC. The effort required to remove these obstacles would be considerable.

2.5 Article 22 – The right to take part in the determination and improvement of the working conditions and working environment

2.5.1 Text and content of the provision

Article 22 – The right to take part in the determination and improvement of the working conditions and working environment

With a view to ensuring the effective exercise of the right of workers to take part in the determination and improvement of the working conditions and working environment in the undertaking, the Parties undertake to adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice, to contribute:

a to the determination and the improvement of the working conditions, work organisation and working environment;

b to the protection of health and safety within the undertaking;

c to the organisation of social and socio-cultural services and facilities within the undertaking;

d to the supervision of the observance of regulations on these matters.

Appendix (Articles 21 and 22)

1. For the purpose of the application of these articles, the term "workers' representatives" means persons who are recognised as such under national legislation or practice.

2. The terms "national legislation and practice" embrace as the case may be, in addition to laws and regulations, collective agreements, other agreements between employers and workers' representatives, customs as well as relevant case law.

3. For the purpose of the application of these articles, the term "undertaking" is understood as referring to a set of tangible and intangible components, with or without legal personality, formed to produce goods or services for financial gain and with power to determine its own market policy.

4. It is understood that religious communities and their institutions may be excluded from the application of these articles, even if these institutions are "undertakings" within the meaning of paragraph 3. Establishments pursuing activities which are inspired by certain ideals or guided by certain moral concepts, ideals and concepts which are protected by national legislation, may be excluded from the application of these articles to such an extent as is necessary to protect the orientation of the undertaking.

5. It is understood that where in a state the rights set out in these articles are exercised in the various establishments of the undertaking, the Party concerned is to be considered as fulfilling the obligations deriving from these provisions.

6. The Parties may exclude from the field of application of these articles, those undertakings employing less than a certain number of workers, to be determined by national legislation or practice.

Appendix (Article 22)

1. This provision affects neither the powers and obligations of states as regards the adoption of health and safety regulations for workplaces, nor the powers and responsibilities of bodies in charge of monitoring their application.

2. The terms « social and socio-cultural services and facilities » are understood as referring to the social and/or cultural facilities for workers provided by some undertakings such as welfare assistance, sports fields, rooms for nursing mothers, libraries, children's holiday camps, etc.

Article 22 guarantees workers the right to participate in determining and improving working conditions and the working environment. This includes, in particular, the organisation of working conditions, work processes and the working environment, as well as health and safety at work, and the provision of social and socio-cultural services and facilities within the workplace.

When considering the context of the undertaking, it is clear that the obligation to enable employee participation set out in Article 22 is intended to be ensured "*within the undertaking*".

2.5.2 Situation in Germany

Article 22 of the RESC assumes that the rights set out in Article 22 must be exercisable in the various, i.e. all, establishments of an undertaking. This obligation is not fully guaranteed under German law.

In Germany, participation rights in the areas referred to in Article 22 are primarily governed by two laws: the Works Constitution Act (*Betriebsverfassungsgesetz* – BetrVG) and the Occupational Safety and Health Act (*Arbeitsschutzgesetz* – ArbSchG).

In accordance with Section 80(1) No. 9 and Section 89 of the Works Constitution Act, the wide-ranging responsibilities of the works council include measures relating to occupational safety and health. In addition, social issues form part of the works council's general responsibilities, such as promoting the reconciliation of family and work (Section 80(1) No. 2b Works Constitution Act). These areas of activity are also reflected in the works council's rights of co-determination, for instance under Section 87(1) No. 7 of the Works Constitution Act regarding regulations on the prevention of accidents at work and occupational diseases, as well as on health protection, and also in number 8 concerning the form, organisation and administration of social facilities whose scope of activity is limited to the establishment, the undertaking or the group.

These extensive, genuine rights of co-determination that are granted the works council under Section 87 of the Works Constitution Act often go beyond minimum standard set out in the RESC. Consequently, there is a high level of protection in Germany, particularly in the field of collective labour law.

However, as noted above in relation to Article 21, the election of a works council is not mandatory, and according to current figures, around 35% of employees in companies eligible for a works council are represented by one.

Additionally, Section 2 of the Occupational Safety and Health Act obliges employers to organise work in a manner that respects human dignity. Employers are required to take the necessary measures to protect the safety and health of employees, to review these measures and, where necessary, to adapt them to changing circumstances. In particular, work must be organised in such a way as to avoid risks to physical and mental health. Under Section 17 of the Occupational Safety and Health Act, employees have the right to submit proposals to employers on all matters relating to safety and health protection at work. Furthermore, employees have an individual right of complaint if they consider the employer’s occupational safety measures to be insufficient and may, if no remedy is provided, contact the competent state authority. Employees may also report any shortcomings or deficiencies to the occupational physician, occupational safety and health specialists and safety officers in accordance with Section 22 of the Social Code Book VII (*Sozialgesetzbuch Siebtes Buch* – SGB VII, Section 16 No. 2 of the Occupational Safety and Health Act). In companies with more than twenty employees, an occupational health and safety committee must be formed, which meets quarterly to discuss matters relating to occupational health and safety and accident prevention. In addition to the safety officers, occupational physicians and occupational safety and health specialists, two works council members appointed by the works council are also members of the occupational health and safety committee.

The competent authorities in the federal states monitor compliance with the provisions of the Occupational Safety and Health Act; breaches of official orders constitute an administrative offence and are punishable by a fine, see sections 21 et seq. of the Occupational Safety and Health Act and section 20 of the Act on Occupational Physicians, Safety Engineers and Other Occupational Safety Specialists (*Arbeitssicherheitsgesetz* – ASiG).

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2.5.3 Implications of ratification

Although employees in Germany are already entitled under current law to participate, through employee representation, in matters relating to health and safety at work and the promotion of social interests (see section 2.5.2 above), many participation rights are only applicable once works councils have been (voluntarily) established by the employees. Furthermore, the regulatory reference point is generally the existence of a “*workplace*”, not the “*undertaking*” (see also comments on Article 21 of the RESC under section 2.4.2 and 2.4.3 above). Given that only around 35% of employees are represented by a works council, comprehensive consideration of the requirements of Article 22 of the RESC in German law would not be guaranteed.

2.5.4 Assessment and conclusion

The preceding sections show that the obstacles to ratification remain significant with regard to the implementation of this provision. There are no plans to amend the legal situation. Article 22 can therefore not be ratified.

2.6 Article 24 – The right to protection in cases of termination of employment

2.6.1 Text and content of the provision

Article 24 – The right to protection in cases of termination of employment

With a view to ensuring the effective exercise of the right of workers to protection in cases of termination of employment, the Parties undertake to recognise:

a the right of all workers not to have their employment terminated without valid reasons for such termination connected with their capacity or conduct or based on the operational requirements of the undertaking, establishment or service;

b the right of workers whose employment is terminated without a valid reason to adequate compensation or other appropriate relief.

To this end the Parties undertake to ensure that a worker who considers that his employment has been terminated without a valid reason shall have the right to appeal to an impartial body.

Appendix

1. It is understood that for the purposes of this article the terms "termination of employment" and "terminated" mean termination of employment at the initiative of the employer.

2. It is understood that this article covers all workers but that a Party may exclude from some or all of its protection the following categories of employed persons:

a. workers engaged under a contract of employment for a specified period of time or a specified task;

b. workers undergoing a period of probation or a qualifying period of employment, provided that this is determined in advance and is of a reasonable duration;

c. workers engaged on a casual basis for a short period.

3. For the purpose of this article the following, in particular, shall not constitute valid reasons for termination of employment:

d. trade union membership or participation in union activities outside working hours, or, with the consent of the employer, within working hours;

e. seeking offce as, acting or having acted in the capacity of a workers' representative;

f. the filing of a complaint or the participation in proceedings against an employer involving alleged violation of laws or regulations or recourse to competent administrative authorities;

g. race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin;

h. maternity or parental leave;

i. temporary absence from work due to illness or injury.

4. It is understood that compensation or other appropriate relief in case of termination of employment without valid reasons shall be determined by national laws or regulations, collective agreements or other means appropriate to national conditions.

2.6.2 Situation in Germany

In terms of content, the requirements of Article 24 of the RESC are reflected in German law.

In Germany, the validity of a dismissal is generally governed by the provisions of the Protection Against Dismissal Act (*Kündigungsschutzgesetz* – KSchG). Under this Act, a dismissal is only socially justified – and therefore valid – if it is justified by reasons relating to the employee's person or conduct, or by urgent operational requirements that preclude continued employment (Section 1(2) Protection Against Dismissal Act). A prerequisite is that the employment relationship must have existed for more than six months in the same establishment or undertaking at the time of termination (personal scope of application, Section 1(1) Protection Against Dismissal Act). This exception in terms of duration is covered by the Charter (see Article N, Annex to Article 24§2 lit. b of the RESC).

Furthermore, pursuant to section 23(1), third sentence, of the Protection Against Dismissal Act, the Act applies to employment relationships that commenced after 31 December 2003 only if the establishment employs at least ten employees, excluding those employed for the purpose of vocational training (the so-called *Kleinbetriebsklausel, the* "small business clause"). The RESC does not provide for a corresponding exception. However, as early as 1998, the Federal Constitutional Court ruled that the exclusion of small businesses from the scope of general protection against dismissal under the Protection Against Dismissal Act is justified (Federal Constitutional Court (*Bundesverfassungsgericht*), decision of 27 January 1998 – 1 BvL 15/87). It justified this, among other things, on the grounds that in a small business the employer usually works alongside the staff, meaning that a trusting relationship with employees is of particular importance. In this respect, the Federal Constitutional Court has consistently confirmed in its case law that Section 23 of the Protection Against Dismissal Act is in accordance with the Constitution, in particular with the freedom of occupation and the principle of equality, as the provision strikes a permissible balance between the interests of employees and employers. In addition to the aforementioned aspect that the employer in a small business usually works alongside the staff, small businesses should not be overburdened by the administrative and procedural costs of an unfair dismissal case.

However, even in small businesses, dismissal is obviously not entirely unrestricted. It must not be contrary to good faith (e.g. arbitrary), contrary to public policy or discriminatory under the General Act on Equal Treatment (*Allgemeines Gleichbehandlungsgesetz* – AGG). Furthermore, a certain minimum level of social consideration must be observed.

In this respect, the current legal situation in Germany provides protection against dismissal without valid grounds. German law implies that even in cases of dismissal not covered by the specific provisions of the Protection Against Dismissal Act, there must be a valid basis for dismissal; in any event, improper motives must not be the cause of dismissal.

At the same time, notice periods must be observed and the prohibitions on arbitrary dismissal and discrimination must be respected. Apprentices, pregnant women, those on parental leave and people with severe disabilities also enjoy special protection against dismissal in small businesses.

2.6.3 Implications of ratification

The exception to protection against dismissal in small businesses currently provided for in Section 23 of the Protection Against Dismissal Act is not compatible with Article 24 of the RESC, as the dismissal of an employee in a small business is possible on grounds other than those specified in Article 24 of the RESC, whereas the latter stipulates that an employment relationship may not be terminated without a “valid reason” relating to the employee’s ability or conduct or the requirements of the business. As the RESC does not provide for any exceptions for small businesses, a legislative amendment would be necessary. This does not appear to be appropriate at present. The easier dismissal options available to small businesses are, moreover, balanced by comprehensive protection against unfair dismissal.

2.6.4 Assessment and conclusion

The obstacles to ratification with regard to the implementation of this provision remain significant and have a constitutional basis. Furthermore, the added value of ratification, particularly given the level of protection already guaranteed, does not appear to be proportionate to the effort necessary for ratification. The current German legal framework also represents a balanced arrangement that reconciles the interests of employees and employers. A change to the legal framework is therefore not intended.

2.7 Article 30 – The right to protection against poverty and social exclusion

2.7.1 Text and content of the provision

Article 30 – The right to protection against poverty and social exclusion

With a view to ensuring the effective exercise of the right to protection against poverty and social exclusion, the Parties undertake:

a to take measures within the framework of an overall and co-ordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to, in particular, employment, housing, training, education, culture and social and medical assistance;

b to review these measures with a view to their adaptation if necessary.

Article 30 of the RESC establishes a comprehensive and coordinated approach with the primary and clearly defined objective of combating poverty and social exclusion. For people experiencing social exclusion and/or poverty or for those at risk of falling into such a situation, as well as for their families, effective access must be promoted, in particular to employment, housing, training, education, culture, and social services. The provision also stipulates that the measures taken to this end must be reviewed and adapted to changing circumstances.

According to the Explanatory Report on the European Social Charter of May 3, 1996, the purpose of this article is not to repeat the legal aspects of protection as provided by other articles of the 1961 Charter, although the Contracting Parties may, in their reports on this article, refer to information already submitted in connection with other provisions of the Charter.

In this context, the term "poverty" refers to people in a variety of situations, ranging from extreme poverty that may have persisted for generations to temporary hardships that carry the risk of poverty.

The term "social exclusion" refers to people who live in poverty due to a combination of disadvantages or the convergence of various factors. However, social exclusion also affects or threatens people who, while not poor, no longer have access to certain rights or services due to, for example, long-term illness, family separation, acts of violence, release from prison, or behavioural issues attributable in particular to alcohol or drug addiction.

The obligations set forth in Article 30 include a range of measures that may involve financial assistance and that apply both to individuals living in a situation of exclusion and to those at risk of falling into such a situation. In this regard, it cannot be ruled out that, particularly in the interpretation by ECSR, individual measures might be interpreted in a manner inconsistent with current national measures relevant to the implementation of this obligation.

The review of measures provided for in Article 30 lit. b of the RESC is of a general nature, and each Contracting Party decides for itself how to proceed in accordance with domestic circumstances. To ensure that the measures provided for in this provision are effective, the review may include consultations with the social partners and various other organizations, including organizations representing people living in poverty or social exclusion.

2.7.2 Situation in Germany

i. The fundamental right to a decent standard of living

The German Basic Law (*Grundgesetz* – GG, i.e. the German Federal Constitution) guarantees the fundamental right to a decent standard of living. The relevant legal basis is Article 1, Paragraph 1 of the Basic Law and the welfare state principle of Article 20, Paragraph 1 of the Basic Law. They guarantee every person in need of assistance the financial means that are indispensable for the necessary cost of living and for a minimum level of participation in social, cultural, and political life.

The term “necessary cost of living” encompasses a person’s needs that are absolutely essential to guarantee a decent standard of living. These include, in particular, food, clothing, household goods, household energy, personal hygiene, housing and heating costs, and other necessities of daily life, including needs related to social participation.

ii. Social welfare instruments

Minimum social security benefits—in particular the citizen’s benefit (to be soon renamed “basic income support” as of July 1, 2026; 13th SGB II Amendment Act, Federal Law Gazette I, 2026 No. 107 of April 16, 2026) for persons capable of working and social assistance for persons with a full reduction in earning capacity or those who have retired from working life due to age—ensure the means of subsistence necessary for a decent standard of living. Minimum income support benefits are provided only to the extent that a person cannot cover their living expenses from their own resources.

This standard of living is ensured through the provision of standard needs allowances scaled according to age and life situation, through additional and one-time needs, needs for housing and heating, and, in the case of children and adolescents, additionally through needs for education and participation.

Housing benefit, in turn, serves as a social policy instrument to help lower-income households with incomes above the basic security level cover their housing costs (see the next chapter on Article 31, section 2.8.2, for details).

iii. Tax Instruments

German tax law, particularly the Income Tax Act (*Einkommensteuergesetz* – EStG), is not merely a tool for generating revenue but actively pursues social goals and objectives through the welfare state principle (Article 20, Paragraph 1 of the Basic Law). The fight against and prevention of poverty is achieved primarily through tax exemption of the decent standard of living and through targeted relief for low-income earners and families. In this respect, the Income Tax Act combats poverty primarily by exempting small incomes largely or completely from the tax burden and by providing targeted support to families through transfer payments (child benefit) or high tax allowances.

The central social dimension of is tax exemption of the decent standard of living; the most important instrument here is the so-called basic allowance (the sc. *Grundfreibetrag*, Section 32a(1) of the Income Tax Act). It ensures that the portion of income needed for a decent standard of living is not taxed. The current value for the year 2026 is 12,348 euros for single individuals. Only every income exceeding this threshold is subject to taxation. This element serves to protect the material decent standard of living from state intervention.

The second social dimension in the area of taxation is on family-related elements that are specifically designed to prevent child poverty. The Income Tax Act provides two complementary instruments in this regard: the child tax credit and the sc. BEA tax credit. For the current year, the child tax credit amounts to 3,414 euros per parent (6,828 euros in total). Added to this is the allowance for childcare, education, or training needs (*Freibetrag für Betreuungs-, Erziehungs- oder Ausbildungsbedarf* – BEA) in the amount of 1,464 euros per parent. In total, this leaves 9,756 euros per child tax-free (Section 32(6) of the Income Tax Act). This provision is further supplemented by the so-called “most favourable test” (*Günstigerprüfung*): The tax office automatically determines whether the child benefit paid out (2026: 259 euros per month) or the tax savings resulting from the allowances is more advantageous for the family. Since low-income earners pay hardly any taxes, they tend to benefit more directly from the cash child benefit, while high-income earners tend to benefit more from the tax allowances. To counteract the particular risk of poverty faced by single-parent families, there is also an additional tax allowance as a relief amount for single parents (Section 24b of the Income Tax Act).

The third social dimension of German tax law are progressive tax rates. In principle, German tax law follows the principle of ability to pay. The entry income tax rate is 14% and rises progressively. Those with a low income pay a low or lower percentage; those with a higher income pay more (up to 42% or 45%). To prevent inflation-driven wage increases from pushing low-income earners into higher tax brackets (sc. “cold progression”), the tax bracket thresholds for 2026 were adjusted accordingly as part of a tax rate revision.

The fourth socially oriented dimension of German tax law is the promotion of work and supplementary income. Thus, in 2026, the so-called “active pension” (*Aktivrente*) was introduced, under which pensioners who work beyond the standard retirement age can earn up to 2,000 euros per month tax-free. This is intended to prevent poverty in old age and alleviate the shortage of skilled workers. In addition, there is the so-called mobility bonus for low-income earners whose income falls below the basic exemption threshold (and who therefore cannot benefit from the commuter allowance). The mobility bonus is, in this respect, a direct government subsidy for travel costs. Furthermore, in 2026, employers will be able to pay out up to €1,000 tax- and contribution-free to their employees as a crisis bonus or relief bonus to reduce the burden of rising living costs.

Another social dimension is the option to take extraordinary expenses into account (Section 33 of the Income Tax Act). If taxpayers have unavoidable expenses that are higher than those of the majority of the population (e.g., high healthcare costs, long-term care costs, or disabilities), these expenses can reduce their taxable income. This prevents people from falling below the poverty line due to unforeseen circumstances.

iv. Promoting an inclusive labour market

For many years now, the German federal government’s inclusion policy has been aiming at enabling more people with disabilities to earn a living in the general labour market.

Promoting the equal participation of people with disabilities in working life is primarily the subject of the provisions of Book IX of the Social Code (*Sozialgesetzbuch Neuntes Buch* – SGB IX). In particular, all private and public employers with an annual average of at least 20 workers are legally required to employ people with severe disabilities (Section 154 of the Book IX of the Social Code). Employers who do not fulfil this obligation, or do not fulfil it in full, must pay a graduated compensation levy (Section 160 of Book IX of the Social Code).

At the same time, the Federal Employment Agency (*Bundesagentur für Arbeit*) and other rehabilitation providers, as well as the job centers and integration offices, have a wide range of specific support, rehabilitation, and participation services at their disposal (e.g., wage subsidies, funding for temporary trial employment, or grants for disability-accessible jobs and training positions). The integration offices can also support the maintenance of existing employment relationships, e.g., by covering the costs of necessary job assistance (Section 185 of Book IX of the Social Code).

In the past, new support measures for inclusive training and employment have been established, notably through the Federal Participation Act (*Bundesteilhabegesetz*) (Work Budget, the sc. *Budget für Arbeit*; since 2018), the Caregiver Relief Act (*Angehörigen-Entlastungsgesetz*) (Training Budget, the sc. *Budget für Ausbildung*; since 2020), and the Participation Enhancement Act (*Teilhabestärkungsgesetz*) (Single Contact Points for Employers, the sc. *Einheitliche Ansprechstellen für Arbeitgeber*; since 2022).

The Single Contact Points for Employers provide companies with independent, cross-agency information and advice on the training, hiring, and employment of people with severe disabilities and assist them in applying for benefits (Section 185a of the Book IX of the Social Code). This also includes addressing reservations about employing people with severe disabilities, e.g., due to special protection against dismissal (Section 168 of the Book IX of the Social Code). Especially for small and medium-sized enterprises that have no prior experience with employing people with severe disabilities, the Single Points of Contact serve as a competent resource that relieves them of bureaucratic burdens and facilitates their compliance with legal employment obligations.

The existing legal framework for support measures is continuously being expanded and refined, most recently with the Act on the Promotion of an Inclusive Labor Market (*Gesetz zur Förderung eines inklusiven Arbeitsmarkts*) of June 6, 2023, which aims to help more people with disabilities find regular employment, keep more people with health impairments in the workforce, and provide more targeted support for people with severe disabilities.

The following measures are key to achieving these goals:

- Increasing the compensation levy for employers who do not employ a single person with a severe disability despite being required to do so,
- Introduction of a presumption of approval for benefits provided by the integration office,
- Removal of the cap on wage subsidies in the budget for employment, and
- Establishment of job coaching as an independent service in Section 49 of Book IX of the Social Code.

The coalition agreement for the 21st legislative period calls for increased support to help people with disabilities enter the general labour market. To this end, the Single Points of Contact for employers are to be better aligned with vocational rehabilitation facilities and the placement services of the Federal Employment Agency, and the representation bodies for severely disabled employees are to be strengthened. The transition between vocational rehabilitation, sheltered workshops (the sc. *Werkstätten für behinderte Menschen* – WfbM), inclusive workplaces, and the general labour market, as well as the management of access by rehabilitation providers, are to be improved. More people should be able to transition from a WfbM to the labour market. To this end, pension-related disadvantage compensation should be maintained even during transitions, and the budget for work should be made more attractive. In addition, the vocational training sector is to be more closely aligned with the labour market. The Federal Ministry of Labour and Social Affairs is currently drafting a bill to implement the measures outlined in the coalition agreement.

Since earned income is the primary source of income for the majority of the population, parental labour force participation is crucial to reducing the risk of child poverty. It is the most sustainable safeguard against child poverty. This is another reason why the federal government is committed to improving work-life balance for both parents. To ensure that both parents can work and contribute to the family's economic stability, a reliable childcare infrastructure is needed. In addition, targeted financial support is required for families whose income is insufficient despite employment. Key examples include basic income support for job seekers, the child supplement, and housing benefit.

v. Funding and funding projects

The federal government also aims to strengthen the economic independence of men and women. This goal was outlined in both the 7th Report on Poverty and Wealth (*7. Armuts- und Reichtumsbericht*) and the 2026 Annual Economic Report (*Jahreswirtschaftsbericht 2026*).

Economic independence prevents poverty. Many people in Germany aspire to economic independence, but many also fail to achieve this goal. This is demonstrated by the Sinus Institute study „*Auf eigenen Füßen stehen*" ("Standing on One's Own Two Feet") funded by the Federal Government (see https://www.sinus-institut.de/media-center/studien/bmbfsfj-wirtschaftliche-eigenstaendigkeit).

For this reason, the Federal Government will continue to develop the digital platform "*Lebenskarte Eigenständigkeit*" ("*life map of autonomy"* – see lebenskarte.info) and introduce a new version of this "life map" in 2026—with a particular focus on reaching more young adults. Information, counselling services, and online calculators will be available on the platform—so that career decisions can be made with full knowledge of the facts, including with regard to insurance and retirement planning. This will help prevent poverty from arising over the course of one's life.

2.7.3 Implications of ratification

Incompatibilities with domestic regulations would remain in the case of ratification. Overall, the provision of Article 30 of the RESC does not appear sufficiently defined in its scope, prerequisites, and limits of application to be transposed readily and without significant problems into national law. Given the ECSR's often broad interpretation of the Charter's obligations, it therefore remains necessary to exclude Article 30—along with the provisions on poverty reduction and the rules of application—from ratification.

Furthermore, the fact that Article 31 of the RESC is not ratifiable (see below under sections 2.8.3 and 2.8.4), but that access to housing is included as an obligation in Article 30 of the Charter, consequently means that, as an accessory to Article 31, Article 30 of the RESC cannot be ratified either.

Furthermore, ratification of Article 30 of the RESC is not necessary. The constitutional right to a guaranteed minimum standard of living is derived from the guarantee of human dignity (Article 1, paragraph 1, of the Basic Law) in conjunction with Article 20, paragraph 1, of the Basic Law (see Federal Constitutional Court (*Bundesverfassungsgericht*), judgment of February 9, 2010 – 1 BvL 1/09 –, BVerfGE 25, 175–260, para. 133; see also above under section 2.7.3). The direct constitutional entitlement to a guarantee of a minimum standard of living compatible with human dignity extends to those means that are absolutely necessary for the maintenance of a dignified existence. It guarantees the entire decent standard of living through a uniform constitutional guarantee that encompasses both the physical existence of the individual—that is, food, clothing, household goods, shelter, heating, hygiene, and health—and the assurance of the opportunity to maintain interpersonal relationships and to participate to a minimum extent in social, cultural, and political life, for the individual as a person necessarily exists within social relationships. (Federal Constitutional Court (*Bundesverfassungsgericht*), loc. cit., para. 135; see also above under section 2.7.2).

Against this background, the quite significant effort required for a ratification process is disproportionate to the potentially limited practical benefits for those affected. Articles 1 and 20 of the Basic Law are also subject to the special protection of the so-called “perpetuity clause” in Article 79, paragraph 3, of the Basic Law (sc. *Ewigkeitsklausel*). This means that amendments are impermissible to the extent that they affect the fundamental principles enshrined in these articles. Therefore, from this perspective as well, there is no additional requirement for certainty under Article 30 of the RESC in the event of an amendment to the Basic Law that could lead to the elimination of the right to a minimum standard of living.

The significance of Article 30 of the RESC in relation to substantive individual rights or its material scope of application seems to lie primarily in its non-substantive provisions, i.e., in the specification of scope (“overall”), procedure (“co-ordinated approach”), and form (“access […] to”). In this respect, the provision is very broad and interferes with domestic competences to an extent that could provoke significant opposition to ratification.

2.7.4 Assessment and conclusion

Article 30 of the RESC is not an option for ratification due to the aforementioned reasons and obstacles. At the same time, Germany provides protection against poverty and social exclusion.

2.8 Article 31 – The right to housing

2.8.1 Text and content of the provision

Article 31 – The right to housing

With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:

1. *to promote access to housing of an adequate standard;*
2. *to prevent and reduce homelessness with a view to its gradual elimination;*
3. *to make the price of housing accessible to those without adequate resources.*

In order to guarantee the right to housing, this provision obliges the Contracting Parties to take measures aimed at progressively eliminating homelessness, promote access to housing of an adequate standard, and ensuring that housing costs for persons without sufficient means are kept at an affordable level. According to the Explanatory Report on the European Social Charter (revised) of 3 May 1996, housing of an “adequate standard” means housing that meets acceptable health standards. It is the responsibility of the competent authorities in the Contracting States to establish and determine acceptable domestic regulations for housing at national level.

Paragraphs 1 and 2 of Article 31, under which the Contracting Parties undertake to take measures aimed at promoting access to housing of an adequate standard and at preventing and reducing homelessness with a view to its gradual elimination, are to be understood in the light of the personal scope of the Charter as defined in the Annex thereto, according to which Articles 1 to 17 and 20 to 31, subject to Article 12§4 and Article 13§4, also apply to nationals of other Contracting States in so far as they have their lawful habitual residence in Germany or are lawfully employed there.

Paragraph 3 requires that housing costs for people who do not have adequate resources be set at a level that is affordable. It must be examined to what extent this affects the social assistance sector, or whether this requirement goes beyond these basic benefits and also encompasses any government regulations on housing rents.

2.8.2 Situation in Germany

i. National Action Plan to Tackle Homelessness

The Federal Government is committed to eradicating homelessness. To this end, the Federal Government aims to work with the federal states and municipalities – which, under the principles of self-government and the legal framework, are obliged to provide decent accommodation for people who are involuntarily homeless – to create the conditions necessary to eradicate homelessness by 2030.

As a first step, a National Action Plan to Tackle Homelessness (*Nationaler Aktionsplan gegen Wohnungslosigkeit*) was drawn up and adopted by the Federal Cabinet on 24 April 2024. The National Action Plan to Tackle Homelessness (NAP Homelessness) serves as a nationwide guide to action, setting out the joint efforts of all government levels to combat homelessness in Germany by 2030. Homelessness touches upon various areas of law and policy and, due to the federal division of powers in the Federal Republic of Germany, often lies outside the legislative and executive competence of the Federal Government. The implementation of the NAP to overcome homelessness will therefore be discussed intensively and collaboratively with all stakeholders in the coming years. These include representatives of federal ministries, the federal states (Länder) and municipalities, as well as stakeholders from academia, civil society and the business sector, and people who have experienced homelessness.

The NAP sets out various ongoing and planned social and housing policy initiatives by the participating federal ministries, as well as further measures by the federal states, and establishes a joint framework for ongoing cooperation and evaluation to ensure that homelessness is overcome and that better measures are put in place to prevent people from losing their homes.

Among other things, the NAP contains:

- Establishing better framework conditions and streamlining planning and approval processes for new housing construction, supported by the Alliance "*Bündnis bezahlbarer Wohnraum*" (see below)
- Development of recommendations on standards for accommodation in emergency shelters to improve acute care provision across Germany
- Establishment of a federal centre of expertise to strengthen knowledge transfer and networking on the subject, to promote pilot projects, and to set up specialist working groups on the topics of housing, prevention, assistance, assistance system and emergency care
- Increased expertise through the establishment of a departmental research programme on homelessness and the creation of a national knowledge platform on overcoming homelessness
- Realisation of a dashboard for the presentation of the National Action Plan on the Internet.

ii. Bündnis bezahlbarer Wohnraum ("Alliance for Affordable Housing")

During the 20th legislative period of the German Bundestag (the German Parliament), the "*Bündnis bezahlbarer Wohnraum*", the Alliance for Affordable Housing, convened and presented a comprehensive package of measures for a construction, investment and innovation drive aimed at creating more affordable housing.

At the invitation of the Federal Ministry of Construction, this alliance brought together representatives from the federal states, associations of local authorities, the housing and construction sectors, trade unions, churches and civil society organisations, including environmental, tenants' rights, consumer protection and social welfare associations. Experts in the field as well as representatives of the governing coalition were invited as advisory guests.

The package of measures by the *Bündnis bezahlbarer Wohnraum* included a separate sub-section dedicated to "promoting the preservation of and access to affordable housing for homeless people". The "establishment of a National Forum on Homelessness" and the "development of a National Action Plan to Tackle Homelessness" were agreed upon in this sub-chapter as concrete measures.

iii. Homelessness Reporting Act

The Homelessness Reporting Act (***Wohnungslosenberichterstattungsgesetz*** – WoBerichtsG), which came into force in April 2020, laid the groundwork for a comprehensive data set on homelessness as a particularly severe form of social exclusion. To this end, annual statistics on all homeless people offered shelter on the reference date of 31 January were introduced from 2022. This represents a subset of the homeless population in Germany. However, research shows that there is a large unreported segment of homeless people who do not make use of this assistance and are therefore difficult to capture in statistical surveys.

For this reason, Section 8(2) of the Homelessness Reporting Act stipulates that the Federal Government must submit a report every two years, starting in 2022, on forms of homelessness that go beyond what is captured in official statistics. According to Section 8(3) of the Homelessness Reporting Act, the report shall focus in particular on homeless people who a) are temporarily living in regular accommodation without establishing a main residence there (in particular, staying with friends, relatives or acquaintances), or b) are homeless without any accommodation whatsoever.

The first federal report on homelessness was presented by the Federal Ministry of Labour and Social Affairs in December 2022; the report for 2024 – drafted by the Federal Ministry for Housing, Urban Development and Building – was approved by the Federal Cabinet on 8 January 2025 and subsequently published. The next report on homelessness is due to be published in late 2026 or early 2027.

iv. Social housing

Federal funding amounting to €21.65 billion is earmarked for the construction of social housing between 2022 and 2028. This sum will be co-financed by the federal states, meaning that, based on past experience, the total amount invested in social housing is likely to be twice as high.

v. Housing benefit

The primary aim of the housing benefit is to ensure access to adequate, family-friendly housing (see Section 1 of the Housing Benefit Act; *Wohngeldgesetz* – WoGG). As a social policy instrument, housing benefit helps lower-income households with incomes above the basic income support level to meet their housing costs. It is a benefit provided prior to basic income support, which reduces the burden of housing costs in the form of a grant. The aim is to enable suitable housing, i.e. housing appropriate to family circumstances, and to alleviate social hardship. As a result of the reduced financial burden, beneficiary households are not confined to a particularly low-rent and therefore small segment of the housing stock. This benefit also supports the maintenance and creation of stable resident structures in residential neighbourhoods and prevents segregation of the housing market, which is undesirable from a housing policy perspective. The housing benefit is regulated by the Housing Benefit Act.

By the end of 2024, around 1.24 million households were receiving housing benefit, which corresponds to around 3% of all households in Germany. Housing benefit is a state subsidy towards rent (for tenants) or mortgage payments (for owner-occupiers) for low-income households earning above the basic income support threshold, which reduces the individual housing costs borne by eligible households.

The amount of housing benefit is calculated based on the rent or housing costs to be taken into account, the income relevant for housing benefit purposes, and the size of the household. To take regional housing costs into account when calculating the benefit, rent bands are applied in the housing benefit system. These rent bands determine the maximum amounts up to which the actual rent or housing costs are taken into account in the housing benefit calculation. A comparison of housing costs before and after housing benefit clearly shows that the housing benefit makes an effective contribution to preventing households from being overburdened by housing costs. The average rent burden for main tenant households in households relying solely on the housing benefit with a rent allowance, based on the gross basic rent relevant for housing benefit, stood at around 34.6% in 2023 before the housing benefit was taken into account. With the housing benefit, the average burden fell by 6.3 percentage points to 28.3% of income.

On 1 January 2025, the housing benefit was adjusted in line with rent and price trends in order to maintain its effectiveness as a social policy instrument in housing policy. The regular indexation enshrined in the Housing Benefit Act ensures that low-income households will continue to receive effective relief from housing costs in the future.

vi. Minimum income schemes

The costs of accommodation and heating form part of the decent standard of living and are therefore included in the benefits provided by the minimum income schemes. Expenses for accommodation and heating are recognised at their actual cost, provided they are reasonable (see section 2.7.2).

Furthermore, under the social assistance scheme (Sections 67 et seq. of Book XII of the Social Code – SGB XII), case-specific measures are available to prevent homelessness. Sections 67 et seq. of Book XII of the Social Code are deliberately kept abstract and open-ended to allow for flexible and tailored assistance in individual cases. The assistance already includes measures to retain and secure housing (e.g. in the form of advice or personal support).

2.8.3 Implications of ratification

Overall, much like the provision of Article 30 of the RESC, the provision of Article 31 of the RESC also appears insufficiently clear in its scope, conditions and limits of application, and can therefore only be transposed into national law with difficulty. Against the backdrop of the ECSR's often extensive interpretation of the Charter's obligations, it is therefore necessary to continue to exclude Article 31 from application in Germany with regard to the provisions on access to housing, the prevention of homelessness and, in particular, reasonable housing costs for those without adequate resources.

Ratification by Germany would also require numerous legislative changes. Furthermore, given the ECSR's interpretation, additional financial requirements—which, in the current budgetary situation, cannot be met, or can only be met to a limited extent—cannot be ruled out and could constitute a further obstacle to ratification.

Given the extensive scope of obligations that appears to underpin the interpretation of Article 31, not all aspects of these obligations can currently – taking into account the interpretation by the ECSR – be fully enforced in political, budgetary and/or legal aspects, partly because these requirements would, in some cases, severely restrict the legal rights of owners and would necessitate a complex preliminary clarification process for which, apart from the legal uncertainties, there is currently no mandate. In the event of ratification, a comprehensive, lengthy and resource-intensive coordination process within the Federal Government would therefore need to be expected, which is unlikely to take place and be concluded within this legislative period.

2.8.4 Assessment and conclusion

There remain significant obstacles to the ratification of Article 31 of the RESC, given that the provision, combined with the ECSR's broad interpretation, has far-reaching implications in terms of scope and depth, as well as significant financial implications and implications for legislative changes. For the reasons set out above, there are no plans to amend the legal situation; ratification of Article 31 of the RESC is therefore not currently under consideration.

3. Summary of the NAP Report 2026

Germany is currently not planning to ratify further provisions of the revised Charter that are among the provisions of the RESC which Germany has not accepted (so-called “non-accepted provisions”).

Our approach to the ratification of international treaties in general, and consequently and specifically with regard to the European Social Charter, is to proceed with ratification only if German law and practice are compatible with the obligations under the RESC. This is not the case, or at least not to a sufficient extent, with regard to the provisions of the Charter that have not yet been adopted.

Furthermore, within the framework of the current and restrictive budgetary and financial planning approaches, the Federal Government cannot enter into any commitments that might have financial implications which, in connection with any ratifications and the measures based thereon, could lead directly or indirectly to a burden on the federal budget, or from which burdensome effects for the federal budget, the social security systems and the economy might result. In particular, based on the assessments set out in this report, there would be no guarantee that measures likely to be introduced for the purposes of ratification would be proportionate, would leave the contracting state the necessary flexibility in implementation, and would leave national budgetary sovereignty or independence permanently unaffected – which would, however, be a prerequisite.

Regarding the provisions of the RESC that have not yet been accepted, given the (ongoing) obstacles and burdens associated with ratification, there is therefore no prospect of ratification in the near future.