



## Country Report of the German Bar Association (DAV) 54th European Presidents' Conference 12 - 14 February 2026 in Vienna

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The country report is limited to a few selected core topics from the DAV's legal policy work. Please do not hesitate to contact us if you have any questions.

### 1. Protection of fundamental legal values at European level

The DAV warmly welcomes the fact that the **Council of Europe Convention on the Protection of the Professional Activity of Lawyers** was adopted by the Committee of Ministers on 12 March 2025 and opened for signature by the states on 13 May 2025. The importance of the Convention for the independence of the legal profession and the free exercise of the profession was the subject of a joint event organised by the DAV together with the German Federal Bar (BRAK), the Czech Bar Association and the Bar Council of England and Wales on 23 June 2025 in Brussels. Speakers included representatives of the Council of Europe, the European Parliament and the individual states.

The DAV, in cooperation with the CCBE and other bar associations, is committed to the rapid ratification of the Convention by Germany, the European Union and as many other countries as possible.

We are delighted that the German Federal Minister of Justice signed the Convention on 26 January 2026 and that the DAV and the BRAK were able to be present.

The decision published by the European Court of Human Rights on 21 November 2024 regarding the 2017 search of the Munich offices of the law firm *Jones Day* and the seizure of documents (cases [1022/19](#) and 1125/19) is disappointing from a legal perspective and shows that there is a need for regulation here in Germany, which, incidentally, should also arise from the Convention on the Protection of Lawyers.

In a [joint statement issued on 18 March 2025](#), the DAV, together with 22 other organisations, criticised the **US administration's attacks on US law firms** and on the American Bar Association, calling for the independence of lawyers to be upheld as a "universal" core principle of the legal profession.

The DAV is currently working on an **amicus curiae brief** in one of the lawsuits filed by the aforementioned law firms in the US.

On the occasion of **the Day of the Endangered Lawyer** on 24 January, the DAV, in cooperation with the Republican Lawyers' Association and the Berlin Bar, held a [topical evening event](#) at the DAV headquarters in Berlin on 27 January 2026, on the situation in the USA as the focus country 2026. The event also addressed the question of the extent to which the Convention on the Protection of Lawyers, which was signed by Germany the day before in Strasbourg, can help protect Germany and other future signatory states from developments such as those currently being observed in the United States.



In its [DAV Statement No. 26/25](#) (in English and German), the DAV analysed the **impact of these attacks on the German branches of US law firms** from the perspective of legal independence. This concerns those law firms that, in response to or in order to avoid such executive orders, have entered into an agreement with the US administration under which they have undertaken to provide pro bono services to the government.

## **2. Security legislation in conflict with lawyer independence and constitutional principles**

From the DAV's perspective, there are serious risks to the protection of lawyer-client privilege and to fundamental rights in general in view of numerous national and European legislative proposals in the area of security and law enforcement.

This concerns the regulation of IP address storage currently proposed in Germany (the DAV statement is available [here](#)) and its cumulative effect with the implementation of the e-evidence package on electronic preservation and disclosure orders. However, it also affects the new European regulation on data retention announced in the EU (see [DAV statement No. 57/25](#) on the occasion of the EU Commission's consultation). The planned standardised possibility of intervening in end-to-end encryption as part of the planned European Encryption Roadmap (see [PM 21/25](#) and [DAV statement No. 10/25](#)) also gives cause for concern regarding the impact of individual security measures, but especially their overall effect, on fundamental rights and attorney-client privilege.

## **3. Artificial intelligence and other digital legislation**

The **AI Act** came into force on 1 August 2024. Since then, the DAV has closely monitored the implementation of the AI Act at national and European level and is actively involved in the development of guidelines by the European Commission.

Firstly, the DAV participated in the European Commission's targeted consultation on the implementation of the provisions of the European AI Regulation on high-risk AI systems, see [DAV Statement No. 38/25](#) (in English). The consultation serves to help the Commission prepare guidelines for the classification of high-risk AI systems and the associated special requirements and obligations, for example in the field of justice or in the workplace. Secondly, the DAV participated in the European Commission's targeted consultation on guidelines for general-purpose AI models in accordance with Chapter V of the AI Act, see [DAV statement No. 19/25](#). The DAV sees a need for clarification with regard to the criteria that AI models must meet in order to qualify as general-purpose AI, as well as the definition of 'provider'.

At national level, the Federal Ministry of Justice and Consumer Protection published a draft bill on the implementation of the AI Regulation in September 2025. The Federal Government is thus belatedly fulfilling its obligation to establish a **national authority structure** due to the formation of a new government (deadline: 2 August 2025). The Federal Network Agency is intended to play a central role. Several other authorities are to take over market supervision in certain areas, such as the Federal Financial Supervisory Authority (BaFin) for the financial sector. As the central supervisory authority, the Federal Network Agency is to set up a coordination centre



for coordination between the individual supervisory authorities and effective enforcement. It is to be given not only supervisory tasks, but also a strong mandate to promote innovation.

The discussion about the **impact of the AI Act on the German justice system** is still in its first stages. Simply assessing whether a software application intended for use in the justice system is an AI system and, in the absence of relevant exemptions, should be classified as high risk will require the use of already limited human resources.

The DAV is also monitoring the proceedings on **the Digital Omnibus Package**, which includes simplifications for European digital and AI legislation. The DAV welcomes the proposal. In its [DAV Statement No. 68/25](#), the DAV suggests: among other things, there is a need for consistency between the General Data Protection Regulation (GDPR) and the e-Privacy Directive with regard to cookie banners in web tracking. In addition, changes are needed with regard to the reporting obligation under Article 33 GDPR, as the low threshold provided for leads to an excessive burden on data protection authorities. Finally, the DAV sees a need for clarification between Article 6 GDPR and the AI Regulation, see also the report in the newsletter "Europa im Überblick (EiÜ)", [EiÜ 36/25](#).

The DAV has also monitored and documented the **AI Liability Directive** and its withdrawal; see the reports in [EiÜ 14/25](#) and [EiÜ 35/25](#).

#### **4. Lawyers' fees**

The DAV has persistently advocated for an increase in the statutory remuneration of lawyers. On 31 January 2025, shortly before the new elections, the Bundestag decided to adjust lawyers' fees by means of linear increases in fees and structural changes within the framework of the 2025 Act Amending the Law on Costs and Remuneration of Legal Representatives. After the Bundesrat approved the bill on 21 March, the reform came into force on 1 June 2025 (see also [Anwaltsblatt](#)). Regular adjustments to statutory fees are essential to ensure universal access to justice for all those seeking legal assistance. The DAV therefore advocates regular adjustments at least once every legislative period (four years).

#### **5. Commitment to the rule of law and human rights**

The DAV will once again contribute to the **European Commission's consultation on the 2026 Rule of Law Report** with a statement. Following the **reform to safeguard the Federal Constitutional Court**, the DAV calls for further progress in strengthening the resilience of the rule of law, in particular to protect the independence of the judiciary at the state level (see also the proposals of [the justice project](#) presented at the beginning of December 2025). It also calls for further efforts to ensure that the justice system has sufficient financial and human resources and to promote digitalisation. This applies in particular to the deficit in the rule of law resulting from the continuing lack of digital or audiovisual documentation of criminal court hearings, which remains an important concern for the DAV.



On 8 December 2025, a joint **event organised by the DAV and Amnesty International on the situation of Turkish lawyers** took place at the DAV House in Berlin; see also the report in [Anwaltsblatt](#). The event commemorated human rights lawyer Tahir Elçi, who was murdered ten years ago. DAV President Stefan von Raumer praised Elçi as a symbol of the courage of the Turkish legal profession and reaffirmed the DAV's special responsibility, also against the backdrop of the friendship agreement with the Turkish bar associations that has been in place since 2017. Reports from chamber representatives from Istanbul and Diyarbakir, as well as other lawyers from Turkey, illustrated how criminal proceedings are being used to intimidate lawyers, see [EiÜ 45/25](#). Together with numerous other bar associations, the DAV also monitored the [criminal proceedings](#) against members of the Istanbul Bar Association in the high-security prison in Silivri and welcomed the acquittal in the first instance, see [PM 02/26](#). However, the Turkish public prosecutor's office has already lodged an appeal.

The North Rhine-Westphalia State Representation in Brussels and the DAV have invited guests to Brussels on 2 December 2025 to a **screening of the winning film of the 2024 German Human Rights Film Award** – "Seven Winters in Tehran" – in Brussels (see also [here](#)). The film tells the dramatic story of 19-year-old Reyhaneh Jabbari and her struggle in Iran for freedom and self-determination in a system that punishes self-defence against attempted rape with death. Further information can be found in "Europa im Überblick" [EiÜ 43/25](#).

The DAV continued its engagement even after the official end of **the Federal Admission Programme for Afghanistan**. It sent numerous letters and initiated an open letter to the Foreign Office calling for the protection of human rights defenders and former local staff, which was co-signed by 91 civil society organisations (see [PM 38/25](#)). The dialogue with the NGOs involved is continuing. The DAV is committed to ending the programme in accordance with humanitarian standards and the principles of the rule of law.