A prospective draft was signed off by the Government on 28 June 2016 and will be read in Parliament on 8 July 2016. The new proposed legislation could allow the foreign intelligence service Bundesnachrichtendienst (BND) to increase their power to surveil foreign journalists abroad.

According to the German branch of Reporters without Borders (Reporter ohne Grenzen), the law makes protection from surveillance dependent upon nationality. German citizens would not be subject to surveillance, EU citizens could be to some extent, but citizens from other countries would be at risk whenever Germany’s “capacity to act” needs to be safeguarded or if “insights into foreign and security policy may be of relevance”.

Managing director of Reporter ohne Grenzen, Christian Mihr, said “up until now, each BND law contains an explicit exception for journalists from surveillance regulations. The new BND law, however, does not include any such provisions.”

**NEW** 13 Jan 2020: A hearing on Case 1 BvR 2835/17 is scheduled for 14 and 15 January 2020.

Statement from RSF: “Constitutional Court hears case against controversial snooping law”

03 Feb 2019: A similar constitutional complaint lodged by Humanistische Union against the disclosure of personal data by the BND to the Länders’ internal intelligence services (1 BvR 2354/13), is on the role of the First Chamber of the Federal Constitutional Court for 2019.
**14 Feb 2018:** Journalists, trade unions and rights groups have lodged a constitutional complaint against the BND law (1 BvR 2835/17), arguing that it is unconstitutional as it allows for the "virtually unrestricted" monitoring of foreign reporters. It is on the role of the Federal Constitutional Court's First Chamber.

**Article published by DW:** "Journalists go to court over Germany's 'unrestrictive' surveillance laws"

**16 Jan 2017:** On 31 December 2016, the law of 23 December 2016 on the BND's foreign-foreign telecommunication intelligence (BGBl. I S. 3346 Nr. 67) entered into force.

**Official publication of the law in the Bundesgesetzblatt (in German)**

**21 Oct 2016:** On 21 October 2016, Germany's lower house of parliament, the Bundestag, approved the reform bill on the country's main intelligence agency (BND).

**Statement from RSF:** "BND law: German Bundestag ignores criticism of civil society and breaches constitution"

### ADDITIONAL INFORMATION

**Letter of the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression/UN Special Rapporteur on the situation of human rights defenders/UN Special Rapporteur on the independence of judges and lawyers**

**Statement from Deutsche Journalisten-Verband (DJV), EFJ's German affiliate (in German)**

**Report published on the Mapping Media Freedom Platform:** "Germany: New law set to increase the power to surveil foreign journalists"

### STATE REPLIES

**10 Aug 2016 | Reply by the German authorities**

**Letter by the Permanent Representation of Germany to the Council of Europe**
Surveillance amendments in new law in Germany pose a threat to media freedom, OSCE Representative says. She asks Bundestag to reconsider bill.

Statement of the OSCE Representative on Freedom of the Media