SEMINAR ORGANISED BY THE ITALIAN COUNCIL OF STATE IN COLLABORATION

WITH THE HELLENIC COUNCIL OF STATE AND ACA-EUROPE

Turin, 23-24 November 2026

Technological challenges, with particular attention being paid to the introduction of digital technology and artificial intelligence into the organisation of the administration and administrative justice

QUESTIONNAIRE

Responses from the Federal Administrative Court of Germany (Please indicate your institution)

This questionnaire has been prepared in anticipation of the seminar to be held in Turin on 23 and 24 November 2026. In accordance with point 2 of the guiding principles adopted by the Hellenic Presidency of ACA-Europe, it aims to explore the current challenges facing administrative judges, particularly those related to technology, and more specifically the introduction of digitalisation and artificial intelligence into the organisation and functioning of the administration and administrative justice.

In order to gain an in-depth understanding of the various dimensions of these technological challenges, the survey is split into three parts:

Part A - The digitalisation of administrative proceedings, with a focus on the experience of various supreme administrative jurisdictions and the impact of this transformation on the organisation and conduct of judicial activity.

Part B - Automated administrative decision-making and judicial review by administrative courts, particularly issues of technical discretion, automation and the delimitation of judicial powers.

Part C - The role of the administrative judge and the use of artificial intelligence in the performance of judicial functions and in the decision-making process, particularly in light of Regulation (EU) 2024/1689, known as the 'AI Act', as well as other European Union standards and regulations, such as Regulation (EU) 2016/679, known as the 'GDPR', Regulation (EU) 2022/2065, known as the 'DSA', and Regulation (EU) 2022/1925, known as the 'DMA'.

Part A

The digitalisation of administrative proceedings and the use of artificial intelligence tools by the administrative justice system

A.I – Infrastructure and technological organisation

Co-funded by the European Union

A.I.1 – Digital equipment and resources

1. What is the level of digital equipment available to judges and administrative staff?

□ Non-existent
□ Limited
□ Intermediate
☒ High
□ Complete
Please explain if necessary:

Every judge of the Federal Administrative Court (*Bundesverwaltungsgericht*) has access to hardware and software that enable a secure and uninterruptible connection from anywhere in the world. The equipment includes:
– a desktop computer;
– a printer;
– two monitors;
– a laptop;
– an official e-mail account;
– access to a Microsoft Office suite;
– access to a large number of databases;
– two signature cards and two signature card readers.

The members of the administration are equipped with:
– a desktop computer at the workplace;
– a network printer;
– three monitors;
– a laptop or a mini-PC;
– two monitors;
– a workplace printer;
– an official e-mail account;
– access to a Microsoft Office suite;
– two signature cards and two signature card readers.

2. Is the technological infrastructure (networks, servers, equipment, connectivity) suited to the day-to-day operational needs of the administrative jurisdictions?

□ Strongly disagree
□ Somewhat disagree
□ Neither agree nor disagree
□ Somewhat agree
☒ Strongly agree

Please explain if necessary:

A.I.2 – Cloud solutions, remote access and interoperability

Co-funded by the European Union

3. To what extent does your jurisdiction use cloud-based solutions for its information systems?

☒Not at all
□ To a limited extent
□ Moderately
□ Extensively
□ Completely
Please explain, where applicable, and, in the absence of cloud solutions, specify the alternative infrastructure solutions implemented:

At the Federal Administrative Court, local client-server systems are used, whereby data storage takes place exclusively at local systems on the premises of the Court.

3a. Do the adopted technical solutions enable judges and staff to perform their duties remotely using the institutional equipment made available to them? If so, please specify any limitations.

Yes. The technical solutions provided (hardware and software) enable judges and administrative personnel to complete their tasks remotely (telecommuting/working from home).

3b. Are the applications being used interoperable with other national or cross-border judicial IT systems? If so, please specify the extent of this interoperability.

There is national interoperability. Communication and data exchange with other national IT systems of the judiciary and administration take place, for example, via the Electronic Court and Administration Mailbox (EGVP, *Elektronisches Gerichts- und Verwaltungspostfach*) and by using the X-Justiz standard.

A.II – Digitalisation and dematerialisation of judicial administrative proceedings

A.II.1 – Dematerialised administrative proceedings

4. Is a dematerialised judicial administrative proceedings system in place within your jurisdiction?

□ No
□ Yes, at an initial stage
□ Yes, at an intermediate stage
□ Yes, at an advanced stage
☒ Yes, on a fully integrated basis
Please explain if necessary:

4a. When this system exists at least at an initial stage, do judges and staff process and sign documents exclusively in digital format in their everyday working practice?

□ Never

Co-funded by the European Union

□ Rarely
□ Occasionally
☒ Frequently
□ Always

Please explain if necessary:

4b. Percentage of paper files prior to the implementation of dematerialised administrative proceedings that have been digitised:

□ 0–20%

□ 20–40%

□ 40–65%

☒ 60–80%

□ 80–100%

A.II.2 – Digital services for members of the public, lawyers and public authorities
5. Are digital services available for filing documents, consulting files, notifications, payments or other related services? If so, please specify which ones.

- GOSA: a digital application designed for the judiciary, including means for cost accounting
- EGVP: Electronic Court and Administration Mailbox
- Signature software for electronic signatures and their verification
- File access server for the electronic granting of access to the files

6. Do these digital services guarantee an adequate level of accessibility for people with disabilities?

□ 0–20%

□ 20–40%

□ 40–65%

□ 60–80%

□ 80–100%

7. Are lawyers involved in the design, development and implementation of digital platforms and tools intended for their use?
If so, please specify the terms of this involvement.

8. Are there any support and training measures in place for users outside the court system (lawyers, members of the public, government agencies) regarding the use of the digital tools available to them?

Co-funded by the European Union

□ YES
☒ NO

If so, please specify which ones

A.III – Security of information systems and data protection

A.III.1 – Compliance with the regulatory framework

9. Do your jurisdiction's information systems comply with European and national standards on security, data protection and digital preservation?

□ Strongly disagree
□ Agree only slightly
□ Indifferent
□ Somewhat agree
☒ Strongly agree

Please explain if necessary:
The requirements of the General Data Protection Regulation and the national data protection laws are observed when operating the information systems. The data protection officer is involved in the implementation of new processes - as well as in all other issues related to data protection law.

A.III.2 – Incident management and business continuity

10. Are IT security incidents dealt with promptly and effectively?

□ Never
□ Rarely
□ Occasionally
□ Frequently
☒ Always

11. Are business continuity and disaster recovery plans regularly updated and tested?

□ Never
□ Rarely
□ Occasionally
□ Frequently
☒ Always

A.III.3 – Publicity and dissemination of court decisions

12. Are court decisions available online in their entirety?

□ Never

Co-funded by the European Union

□ Rarely (only for the most significant decisions)
□ Occasionally
☒ Frequently
□ Always

Please add any additional information and explain if necessary:

Apart from purely formal decisions, such as decisions to discontinue the proceedings, all rulings by the Federal Administrative Court since 2002 have been made available (anonymised) in the original text on the Court's website at www.bverwg.de (see https://www.bverwg.de/faq-hilfe > Judgments and decisions > Which judgments or decisions of the Federal Administrative Court can I find on the website?).

Selected rulings, which may have international relevance, will also be published in English. The rulings to be translated are selected by the respective Senate. There are criteria agreed with the presiding judges of each Senate, according to which a decision should be selected in general.

13. Where a system for publishing decisions online is in place, is there an internal policy to ensure the protection of personal data and respect for the right to be forgotten?

□ No
□ No formalised policy; anonymisation is carried out by the registry services on a case-by-case basis
□ No formalised policy; anonymisation is decided on a case-by-case basis on the instructions of judges
□ Yes, personal data are systematically anonymised
☒ Yes, personal data are anonymised in accordance with an internal policy providing for targeted exceptions
□ Other (please specify)

A.IV – Training and digital skills

14. Does your jurisdiction offer structured and regularly updated digital technology training courses for judges and staff?
If so, please specify which ones.

Judicial and non-judicial personnel are trained to the necessary extent before introducing a new software solution. Even after the introduction of a software solution, in-depth and refresher training is offered.

Co-funded by the European Union

A.V – Involvement of judges in digital transformation

15. To what extent are judges involved in decision-making and design processes relating to technological innovation and digital transformation in the judiciary? If applicable, please provide details.

Key issues of the introduction of new digital solutions will be discussed with the judges in advance. The judicial computing officer is involved in all matters concerning information technology.

A.VI – Use of AI systems in administrative justice

A.VI.1 – Tools and level of deployment

16. Are artificial intelligence systems currently used to assist in judicial or administrative activities?

16a. If so, which ones are used? (Please tick all that apply)

☒ Chatbots

□ Semantic search tools

□ Automated anonymisation of decisions

□ Text analysis and assistance with legal research

□ Tools to assist with organisation and court management

☒ Other (please specify)

AI solutions from legal specialist publishers are being tested.

16b. Overall level of internal deployment of AI systems:

□ Occasional or isolated use
☒ Trial phase
□ Development phase
□ Widespread use
□ Full integration

Please explain if necessary:

A.VII – Governance, regulation and ethical framework for AI

A.VII.1 – Internal guidelines and regulatory compliance

Co-funded by the European Union

17. Has your jurisdiction adopted any internal guidelines, charters or policies governing the use of AI systems, in particular in application of Regulation (EU) 2024/1689 (the AI Act), the GDPR and other relevant European instruments?

☒ YES

□ NO

If so, please specify which ones.

A service instruction on the use of AI has been drawn up.

18. Are AI systems subject to prior risk assessments?

☒ YES

□ NO

If so, please specify the terms of these assessments

AI solutions are subject to an (internal) software approval procedure prior to their productive use.

19. Are there specific requirements in terms of transparency for the use of AI systems? If so, please provide details.

There is a need for regulation, in particular concerning a clear identification when using AI systems, but specific requirements still need to be drafted and adopted internally.

20. Is the use of AI systems accompanied by human oversight mechanisms?

□ YES

□ NO

If so, please provide details

This area has not yet been formally regulated either. Specific human oversight mechanisms for the use of AI systems (such as the "human-in-the-loop" principle) still need to be defined and implemented.

21. Are specific methodologies implemented during the design, development and deployment of AI systems to ensure their traceability, reliability, integrity and accuracy? If so, please provide details.

Specific methods still need to be defined and implemented.

A.VIII – Innovation, prospects and future needs

Co-funded by the European Union

A.VIII.1 – Current innovation projects

22. Are there any innovation projects currently under way in the following areas? (please tick all that apply)

□ Process automation
□ System interoperability
☒ Modernisation of existing systems
□ Advanced digital services for external users
☒ AI systems
□ Other (please specify)

A.VIII.2 – Barriers to digital transformation

23 What do you consider to be the main barriers to the digital transformation of administrative justice? (please tick all that apply)

□ Complexity of the regulatory framework
□ Insufficient financial resources
☒ Lack of specialised human resources
□ Organisational complexity
☒ Resistance to change and digital skills gap
□ Cybersecurity risks and challenges
□ Other (please specify)

A.VIII.3 – Investment priorities

24. What do you think should be the priority areas for investment over the next few years? (please tick all that apply)

☒ Modernisation of infrastructure
□ Cybersecurity

Co-funded by the European Union

□ Training and skills development
☒ Deployment of AI systems
□ Interoperability at European level
□ Complete digitalisation of administrative procedures
□ Other (please specify)

25. Please describe one or more good practices in digitalisation that have been implemented or are planned within your jurisdiction.

- Full implementation of electronic court files and electronic legal communication and transactions with the parties to the proceedings
- Introduction of digital access to the files, including the provision of a platform for access to the files for all federal courts.

Part B
Automated administrative decisions and judicial review

B.I – Automated administrative decisions: substantive legality and procedure

1. Are there provisions in your legal system that authorise public administrations to use digital or algorithmic technologies in the exercise of their powers?

☒ YES

□ NO

If so:

1.a. According to these provisions, what are the authorised tools and the objectives pursued by their use?

1.b. What types of acts can be adopted using these technologies?

Co-funded by the European Union

The central legal basis at federal level is section 35a of the Administrative Procedure Act (VwVfG, *Verwaltungsverfahrensgesetz*) (fully automated administrative act). According to that provision, an **administrative act** may be adopted in its entirety by means of **automatic devices**, provided that this is **authorised by a legal provision** and that **neither discretion nor a margin of appreciation exists**. The requirement of a statutory provision for full automation leads to a ban subject to permission. The legislature has made explicit use of the authorisation in a few areas of mass administration, for example in section 38a of the Electrical and Electronic Equipment Act (ElektroG, *Elektro- und Elektronikgerätegesetz*), in section 3a of the Federal Travel Expenses Act (BRKG, *Bundesreisekostengesetz*), as well as in fiscal law in section 155 para 4 of the Fiscal Code (tax assessment) and in social law in section 31a of the Social Code Book X (SGB X, *Sozialgesetzbuch Zehntes Buch*).

In particular, is the use of algorithms permitted for the adoption of administrative decisions involving discretionary powers?

2. Are there provisions in your legal system governing the design, deployment and use of artificial intelligence systems employed by public administrations?

☒ YES

□ NO

- Regulation (EU) 2024/1689 on artificial intelligence (AI Act)

- General Data Protection Regulation (GDPR), in particular articles 15 and 22 of the GDPR

- The Federal Government has submitted the draft for the "Act on the Implementation of the Regulation on Artificial Intelligence", the "AI Market Surveillance and Innovation Promotion Act" (see Bundestag printed paper (BT-Drs., *Bundestagsdrucksache*) 21/4594). In principle (unless otherwise provided by law), it defines the Federal Network Agency (BNetzA, *Bundesnetzagentur*) as a market surveillance authority (section 2), defines further competences (such as those of the notifying authorities (section 3) and the AI Market Surveillance Chamber (section 4)), implements powers (section 11) and regulates sanctions for breaches (section 15).

- The Federal Ministry of the Interior has developed legally non-binding guidelines for the federal administration: According to the "Guidelines for the Use of Artificial Intelligence in the Federal Administration", federal authorities make the fundamental use of AI systems in their own institutions as transparent as possible. Authorities also determine for themselves whether regulations on labelling requirements (internal as well as external) or documentation requirements are necessary for the use of AI.

Co-funded by the European Union

- The Federal Ministry for Digital Transformation and Government Modernisation has developed legally non-binding guidance for the planning and implementation of AI projects in public administration: The "AI Guide – Your Implementation Roadmap for AI Systems in Public Administration" recommends transparent communication with all target groups and the persons concerned.

- At federal level, section 35a VwVfG is available, see above.

- More specific requirements for the use of artificial intelligence partly exist at federal state level: Thus, article 5 (2) second sentence of the Bavarian Digital Act (BayDiG, *Bayerisches Digitalgesetz*) provides that the use of artificial intelligence in public administration is to be safeguarded by appropriate measures enabling control and legal protection.

- The IT Use Act of the Federal State of Schleswig-Holstein (ITEG SH, IT-Einsatz-Gesetz) comprehensively regulates the use of artificial intelligence, which is described in section 1 para first sentence as data-driven information technology.

If so,

2.a. what type of implementation measures are these? (for example, legislative or soft law):

Legislative acts and soft law, see above.

2.b. Is there an obligation for public administrations to **inform** the public or individuals about the use of AI systems?

Pursuant to section 6 (1) first sentence ITEG SH, the authority is to disclose the algorithm of data-based information technologies and the underlying data base, unless the protection of personal data, other third-party rights or public interests in confidentiality preclude this. Insofar as grounds preclude disclosure of the algorithm, these are to be named on their merits in accordance with section 6 (1) second sentence ITEG SH. In accordance with section 6 (1) third sentence ITEG SH, disclosure must also be accompanied by a description formulated in a generally comprehensible form and language, from which the algorithm's basic functioning and decision-making logic result.

According to section 6 (2) ITEG SH, data-driven information technologies that do not process personal data must be kept in a register analogous to article 30 of Regulation (EU) 2016/679 (General Data Protection Regulation).

In accordance with section 6 (3) ITEG SH, where data-driven information technologies are used for communication purposes or similar activities, the persons concerned must be informed in advance, beyond all doubt and in a comprehensible form, that they are not communicating with a human being. Furthermore, besides the mode of communication referred to in the first sentence, an alternative form of communication must be available, which can be directly attributed to human action.

Co-funded by the European Union

2.c. Are any **authorities** or bodies responsible for **developing general rules or standar**ds for the use of artificial intelligence within public administrations?

Section 5 first sentence of the Federal Government's draft act provides that a central coordination and competence centre for Regulation (EU) 2024/1689 is to be established at the Federal Network Agency. In accordance with section 5 second sentence of the draft act, the Centre shall have the task:
1. to support, upon request, the market surveillance authorities competent under this Act, the notifying authorities and the German Accreditation Body with expertise when taking complex decisions within the scope of Regulation (EU) 2024/1689;
2. to coordinate the cooperation of the authorities competent under this Act with each other and with other authorities concerned in their area of competence and to ensure that the horizontal legal questions are answered uniformly;
3. to facilitate the establishment of codes of conduct within the meaning of article 95 (2) of Regulation (EU) 2024/1689; and
4. to ensure adequate, transparent and regular involvement of civil society, trade unions, economy, academia and research as well as the federal states (see BT-Drs. 21/4594 p. 11).

According to section 13 (1) first sentence of the Federal Government's draft Act, the Federal Network Agency establishes and operates at least one AI regulatory sandbox in accordance with Articles 57 and 58 of Regulation (EU) 2024/1689.

3. What conditions must be met to ensure the legality of administrative procedures involving the use of artificial intelligence systems?

According to section 1 (2) second sentence ITEG SH, the regulations are intended to ensure that the use of these technologies in the performance of administrative activities governed by public law is carried out in compliance with the right to informational self-determination and the principles of the primacy of human action, human supervision and responsibility, transparency, technical robustness and security, diversity, non-discrimination, fairness and social and environmental well-being.

Under section 2 (1) first sentence ITEG SH, the use of data-driven information technologies must be carried out in accordance with the principles set out in section 1 (2) second sentence (see above) and is permissible when complying with the provisions of section 2 (2) (prohibited areas of application), unless otherwise provided for by law or on the basis of a law. Pursuant to section 2 (1) second sentence ITEG SH, each public entity shall ensure transparency, controllability, robustness and security of the data-driven information technology it uses by means of appropriate technical and organisational measures.

Section 3 (2) ITEG SH defines three levels of automation, the assistance system, the delegation and the autonomous decision. According to section 5 ITEG SH, data-driven information technologies must always be assigned to one of these levels.

Co-funded by the European Union

Insofar as a written or electronic administrative act as well as an administrative act confirmed in writing or electronically is issued using or on the basis of data-driven information technology with automation level 2 or 3 and contains no or an incomplete reference according to subsection 4 (to partial or complete processing and, where applicable, decision-making using data-driven information technologies), the administrative act is invalid pursuant to section 6 (5) ITEG SH.

In particular:

3.a. Is the decision-making administration required to indicate the type of algorithmic system used and its principal characteristics?

According to 6 (4) ITEG SH, decisions, in particular in the form of administrative acts, must be accompanied by a reference to partial or complete processing and, where appropriate, decision-making by means of data-driven information technologies. The reference shall contain at least the following information:
1. the disclosure of the algorithm used;
2. the scope of use of data-driven information technologies, mentioning and explaining the automation level; and
3. the information on the availability and the legal and factual consequences of the AI complaint (*KI-Rüge*), provided that a data-driven information technology has been used according to section 3 (2) no. 2 or no. 3.

3.b. At what stage of the procedure must the administration provide information about the use of an algorithmic system and its characteristics?

See above 3.a.

3.c. Does the interested party have the opportunity to comment on or challenge the use or operation of the AI system before the final decision is made?

Pursuant to 12 (1) ITEG SH, any addressee of a public entity's decision based on data-driven information technology with automation level 2 or 3 may, within one month of notification of the decision, request that it be reviewed and confirmed or amended or revoked by a natural person (AI complaint).

4. Are specific areas of administrative law in your country subject to express authorisation for the use of administrative decisions based on artificial intelligence systems?

Section 35a VwVfG always requires a special legal regulation, see above.

5. Are there specific areas of administrative law in which the use of artificial intelligence systems for issuing administrative decisions is expressly prohibited?

Co-funded by the European Union

According to section 2 (2) ITEG SH, the use of data-driven information technologies is not permitted in the following areas of application:
1. in the exercise of direct force against the life and physical integrity of natural persons in administrative execution;
2. in the processing of personal data for the purpose of assessing the personality, performance, physical and psychological resilience, cognitive or emotional abilities of humans, making predictions about the delinquency of individual persons or groups of persons;
3. for the mass identification of persons at assemblies or events on the basis of biometric features and
4. the adoption of an administrative act in respect of which there is a discretion or margin of appreciation.

Pursuant to section 2 (3) ITEG SH, the use of data-driven information technologies to reverse technical and organisational measures of data protection and information security, in particular encryption, anonymisation and pseudonymisation, is only permitted under the conditions authorising the collection and further processing of the data.

B.II – Judicial review of automated administrative decisions

6. Does national **case-law recognise the legality of automated administrative decisions**?

□ YES

☒ NO

Please explain if necessary:

Irrespective of legal norms, administrative jurisprudence has not yet established any viable criteria for the use of automated administrative decisions. The lower-instance administrative court decisions concerned cases in which there was ultimately no administrative act issued entirely by means of automatic devices.

- Baden-Württemberg Higher Administrative Court, judgment of 8 October 2025 - 14 S 1869/24 - juris para. 39: The contested decision (in the context of equitable benefits within the framework of the COVID-19 immediate assistance) was not issued entirely by means of automatic devices, but was prepared by an office holder, checked before its adoption and a human was responsible for the adoption.

- Bremen Administrative Court, judgment of 14 July 2025 - 2 K 763/23 - juris para. 26 et seq.: The error caused by an automated waste disposal charges notice drawn up without a legal basis contrary to article 22 GDPR is "remedied" by an objection notice (Widerspruchsbescheid) prepared by a human administrative officer.

- Baden-Württemberg Higher Administrative Court, decision of 13 November 2020 - 2 S 2134/20 - juris para. 15: The alleged error of adopting a decision in the fully automated

Co-funded by the European Union

procedure is irrelevant because the decision at issue was reviewed by an office holder in the preliminary administrative proceedings (Widerspruchsverfahren).

Bavarian Higher Administrative Court, decision of 26 January 2021 - 7 ZB 20.2029 - juris para. 13: With the comprehensive review of the assessment notices (for broadcasting fees) in the preliminary administrative proceedings (Widerspruchsverfahren) and the subsequent adoption of the objection notice …, a case-by-case decision on the disputed assessments of fees was taken by the personnel of the defendant. The assessment notices in dispute have therefore already not terminologically been issued in a fully automated procedure. In any event, the deficiency alleged by the claimant was "remedied" by the adoption of the objection notice (Widerspruchsbescheid).

Higher Administrative Court of the Federal State of North Rhine-Westphalia, judgment of 1 October 2024 - 4 A 357/21 - juris para. 68: The approval of the North Rhine-Westphalian immediate assistance in 2020 was not issued entirely by means of automatic devices within the meaning of section 35a of the Administrative Procedure Act of the Federal State of North Rhine-Westphalia (VwVfG NRW, *Verwaltungsverfahrensgesetz*), because the granting of the subsidies depended on the exercise of a human will by an administrative officer, namely a very rough completeness and plausibility check and the manual setting of a (digital) check mark.

If so:

6.a. What principles and conditions have been **identified by national case-law** as necessary for these decisions to be legally valid?

Not applicable (see above).

6.b. Have any limitations been identified with regard to the possibility of delegating the administration's decision-making power to algorithmic systems?

Not applicable (see above).

6.c. In particular, which of the following principles must be respected, according to **national case-law,** when adopting an automated administrative decision? (Please tick all that apply)

Not applicable (see above).

□ Principle of transparency
□ Principle of non-exclusivity of human intervention ('human in the loop')
□ Principle of non-discrimination
□ Principle of knowledge and comprehensibility of algorithmic functioning
□ Principle of attributing the decision to an authority vested with power

Co-funded by the European Union

Cf. on the legal bases for the principles mentioned in the ITEG SH (see above).

□ Other (please specify)

Not applicable (see above).

7. Has national **case-law** ruled on the nature and legal classification of the algorithm or AI system used for administrative decision-making?

Not applicable (see above).

8. What are the limits of the judicial review that administrative judges can exercise over automated administrative decisions?

Not applicable (see above).

9. According to national **case-law**, is the right of access to the algorithmic process that led to the automated administrative decision recognised?

□ YES
□ NO

Not applicable (see above).

If so:
9.a. What information relating to the AI system (data, logic, key parameters) must be made available to the party concerned?

Part C
Administrative judges and the use of artificial intelligence in the performance of judicial functions and in the decision-making process, in light of Regulation (EU) 2024/1689 ('AI Act') and other European Union standards and regulations, such as the GDPR, the DSA, the DMA, etc.

1. Does your country recognise, **at constitutional level**, principles that **expressly** refer to the use of artificial intelligence in the performance of judicial functions?

□ YES

☒ NO

If so, please specify which ones

Co-funded by the European Union

2. Has your country adopted or is it in the process of adopting national measures to implement Regulation (EU) 2024/1689 (the AI Act) concerning the use of artificial intelligence to support judicial decision-making, which is classified as a 'high-risk' activity (Annex III, point 8(a))?

☒ YES

□ NO

If so:

2.a. What is the nature of these measures (legislative, regulatory, guidelines, soft-law instruments)?

On 9 March 2026, the Federal Government submitted the draft of an Act on the Implementation of the Regulation on Artificial Intelligence (see BT-Drs. 21/4594).

2.b. For what purposes is the use of AI permitted? (Please tick all that apply)

□ Research and interpretation of the law

□ Research and assessment of the facts

□ Application of the law to a specific factual situation

□ Administrative activities that are purely ancillary (recital 61 of Regulation (EU) 2024/1689)

Please explain if necessary:

The draft act does not contain any own specifications on this (see, for the purposes, recital 61 of Regulation (EU) 2024/1689). Pursuant to section 2 (5) of the draft act, an independent AI Market Surveillance Chamber for the market surveillance of high-risk AI systems pursuant to article 6 (2) in conjunction with, *inter alia*, Annex III no. 8 to Regulation (EU) 2024/1689 will be established within the Federal Network Agency. These high-risk AI systems refer to the fields listed in Annex III no. 8 to Regulation (EU) 2024/1689 (cf. BT-Drs. 21/4594 p. 23).

2.c. What measures are taken to ensure human oversight (Article 14 of Regulation (EU) 2024/1689)? In particular, under what conditions is the user able to ignore, cancel or override the result produced by the artificial intelligence system (Article 14(4)(d) of the AI Act), or to suspend or interrupt its use (Article 14(4)(d) of the AI Act)?

The draft act does not contain any provisions of its own on this aspect.

2.d. What regulatory measures have been adopted to ensure the transparency, accuracy and robustness of the artificial intelligence system used (Articles 13 and 15 of Regulation (EU) 2024/1689 – the AI Act)?

Co-funded by the European Union

The draft act does not contain any provisions of its own on this aspect. Section 2 of the draft act (market surveillance authorities) specifies the market surveillance authority competent in each case. In terms of content, the tasks of market surveillance include the supervision of compliance with the rules on, *inter alia*, high-risk AI systems (chapter III of Regulation (EU) 2024/1689) and on transparency obligations for providers and deployers of certain AI systems (chapter IV of Regulation (EU) 2024/1689) (cf. BT-Drs. 21/4594 p. 52).

3. Are there any official forms of testing or use of artificial intelligence systems for decision-making or generating judicial decisions currently in place in your country?

□ YES

☒ NO

Please explain if necessary:

Not applicable (see above).

If so:

3.a What do they consist of?

Not applicable (see above).

3.b. What data sets are used?

Not applicable (see above).

3.c. Is the software used publicly owned or provided by private operators?

Not applicable (see above).

3.d. Have any biases been identified in its operation? If so, what kind?

Not applicable (see above).

4. Are measures planned in your country to ensure a sufficient level of artificial intelligence literacy specifically for judges (Article 4 of Regulation (EU) 2024/1689)?
☒ YES

Co-funded by the European Union

□ NO

If so:

4.a. What do these measures consist of?

The German Judicial Academy (*Deutsche Richterakademie*) and the Federal Academy for Public Administration (BAköV, *Bundesakademie für öffentliche Verwaltung*), the central training institution of the Federation, offer courses on AI. With regard to article 4 of Regulation (EU) 2024/1689, consideration is given to making at least one basic training course offered by the Federal Academy for Public Administration mandatory.

4.b. Is specific training planned to prevent or limit the phenomenon known as 'automation bias' (Article 14(4)(b) of the AI Act)?

□ YES

☒ NO

Please explain if necessary:

5. Is the use of generative or agentic artificial intelligence systems permitted in your country to assist in the drafting of procedural documents or court decisions?

It is not prohibited and therefore permitted within the limits of the applicable law, for example for practising lawyers taking into account the obligations under the Federal Code for Practising Lawyers or for judges taking into account the requirements of judicial independence (see, for providers and operators, apart from that also article 6 (3) of Regulation (EU) 2024/1689). In the document "Strategy for the Use of Artificial Intelligence in the Judiciary. Coordinating the Development, Purchasing and Use of AI Systems in the Judiciary. Version 1.0 – April 2025", adopted by the heads of the judicial administrations of the Federation and the federal states at the 27th meeting of the E-Justice Council on 2 April 2025, the so-called "support of action" ("*Handlungsunterstützung*") is regarded as a case for the use of AI (pp. 16, 17 and 18).

To help you understand the question better: **generative artificial intelligence (AI)** is a category of AI models which, thanks to machine learning and training on vast amounts of data, are capable of creating original content (text, images, videos, music, etc.). **Agentic AI** is described as a system capable of autonomously planning, making decisions and executing complex tasks with minimal human intervention to achieve a defined objective [source: OECD].

6. Has the national case law of your country addressed issues concerning the interpretation and application of EU Regulation 2024/1689?

☒ YES

□ NO

Co-funded by the European Union

Please explain if necessary:

There are two civil-law decisions that briefly deal with Regulation (EU) 2024/1689:

Cologne Higher Regional Court, judgment of 23 May 2025 - I-15 UKl 2/25 - juris para. 46: "Regulation (EU) 2024/1689 does not supersede data protection requirements. In accordance with its article 2 (7) second sentence, the AI Act does not, in principle, affect the GDPR."

Hamburg Higher Regional Court, judgment of 10 December 2025 - 5U 104/24 - juris para.86: "The European legislature also assumes the application of the text and data mining rules to AI models. Article 53 (1) (c) of the AI Act (Regulation (EU) 2024/1689 of 13 June 2024) specifies: 'Providers of general-purpose AI models […] shall put in place a policy to comply with Union law on copyright and related rights, and in particular to identify and comply with, including through state-of-the-art technologies, a reservation of rights expressed pursuant to article 4 (3) of Directive (EU) 2019/790.' The referenced article 4 of the Digital Single Market Directive contains exceptions and limitations for text and data mining. Recitals 99 and 105 of the AI Act refer to generative AI models."

[The proceedings are pending before the Federal Court of Justice (BGH, *Bundesgerichtshof*) under case number I ZR 281/25]

6.a. If yes, which principles have been established?
Not applicable (see above).

7. Have national courts of your country submitted preliminary rulings to the Court of Justice of the European Union regarding EU Regulation 2024/1689?

□ YES

☒ NO

Please explain if necessary:

7.a. If yes, which questions were referred? What answers has the Court of Justice of the European Union provided?
Not applicable (see above).

Co-funded by the European Union