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Swift, transparent measures to legally finalise the electoral process and ensure full democratic legitimacy in Germany

Written declaration No. 812

This written declaration does not reflect the position of the Assembly; only of those members that have signed it. It will not be considered further by the Assembly.

We, the undersigned, declare the following:

Germany, a key member of the Council of Europe, is facing challenges to the 2025 Federal Bundestag election results. While the Bundestag's internal scrutiny is ongoing, the lack of a legal time limit risks undermining legal certainty and public trust.

Unlike in most Council of Europe member States, Germany's legal framework makes it particularly difficult to challenge election results or request recounts, due to strict admissibility rules, a high threshold for proving material irregularities, and limited immediate judicial review. Even in close races, recounts are not automatic.

Though the Bundestag's Committee for the Scrutiny of Elections holds a constitutional oversight role, it is essential to uphold the right of voters and political actors to appeal to an independent judiciary, as guaranteed by the European Convention on Human Rights (ETS No.5) and the standards of the European Commission for Democracy through Law (Venice Commission). A prolonged or opaque process could compromise this right and weaken democratic institutions.

Given the upcoming submission of new credentials in June 2025, we call on German authorities to:

- finalise the internal scrutiny procedure without undue delay;
- ensure access to independent judicial appeal;
- consider a full and transparent recount to restore public confidence and legal certainty.

The Parliamentary Assembly should remain ready to support democratic standards and parliamentary legitimacy.

Signed (see overleaf)



Signed¹:

HUNKO Andrej, Germany
BATRÎNCEA Vlad, Republic of Moldova, UEL
BRABANDERE Bob, De, Belgium, ECPA
CASTEL Laura, Spain, UEL
ÇELENK Sevilay, Türkiye, UEL
DAĞDELEN Sevim, Germany
ĐORĐEVIĆ Vladimir, Serbia, ECPA
EFSTATHIOU Constantinos, Cyprus, SOC
ESCALÉ Cerni, Andorra, SOC
FRIDEZ Pierre-Alain, Switzerland
GRAF Martin, Austria, ECPA
GRAVES Ann, Ireland, UEL
HEER Alfred, Switzerland
KASIMATI Nina, Greece, UEL
KAUFMANN Malte, Germany, ECPA
LOUCAIDES George, Cyprus, UEL
MAIORINO Alessandra, Italy, UEL
MURPHY Conor, Ireland, UEL
ÖZTÜRK Berdan, Türkiye, UEL
PANTIĆ PILJA Biljana, Serbia, EPP/CD
RĂILEANU Adela, Republic of Moldova, UEL
SIMONOVIC BRATIC Dunja, Serbia, SOC
SØNDERGAARD Søren, Denmark, UEL
STARÎŞ Constantin, Republic of Moldova, UEL
WENAWESER Christoph, Liechtenstein, ALDE

Total = 25

1. ALDE: Alliance of Liberals and Democrats for Europe
ECPA: European Conservatives, Patriots and Affiliates
EPP/CD: Group of the European People's Party
SOC: Socialists, Democrats and Greens Group
UEL: Group of the Unified European Left