

## **List of Publications/Important Court Decisions**

(last updated December 31, 2020)

### **I. Monographs**

Editor and co-commentator of the only commentary on the German Federal Archive Law, BArchG, 2<sup>nd</sup> edition, Freiburg, Germany, to be published in 6/2021

Co-commentator of Prof. Hoeren (ed.) The German Trade Secret Act, GeschGeG, Berlin, to be published 3/ 2021

Editor and co-commentator of the only commentary on the German Federal Archive Law, BArchG, 1<sup>st</sup> edition, Freiburg Germany 2018

Data protection, comparative chapters in Maurer Lambrou (ed.), Basel Commentary on Data Protection, Basel Switzerland 2014

Co-editor and Co-commentator of Berger-Partsch, commentary on the German Federal Freedom of Information Law, IFG, 2<sup>nd</sup> edition Cologne, Germany 2013

The US Foreign Corrupt Practices Act (FCPA), the American anti-bribery laws and its consequences on Germany, Berlin, Germany 2007

Freedom of Access to Administrative Information, Cologne, Germany 2002

### **II. Articles in Journals**

Claims under the German Trade Secrets Act, NJW 2020, 2364

Reasonable Steps of Protection under the German Trade Secrets Act, NJW 2020, 118

Looted Art in the Barberini Museum?, Kunstrechtsspiegel 3/19, 164

European legal redress against external OLAF-investigations, EuZW 2017, 878

The right to access to the archives according to the new Federal Archive Law, NJW 2017,3416

The Praxis of freedom of information from the perspective of private entrepreneurs, LDA, Volume 9, 2016, p. 63

The Lawyer of Confidence for the fight against corruption for the Berlin state government, RuP, 1/2015, 36-40

Dysfunctionality of zoning laws in the event of contradictory behavior of the municipality, DÖV 2014, 965

The development of the right to information by the press in the jurisdiction concerning Art. 10 ECHR, AfP 2013, 214

Right to information of the press – Readjustment through the Supreme Federal Administrative Court, NJW 2013, 2858

100 Years of Experience with Corporate Criminal Law in the US, in: Kempf/Lüderssen/Volk, Unternehmensstrafrecht Penal Law for Companies, Tagungsband IV, Berlin/Boston 2012, 55

Fighting Corruption with the help of a Lawyer of Confidence, NJW current events issue 4/2012, 12

The State of Freedom of Information in Germany, AfP 2012, 516 - 521

The Pharma Managers Duty to Introduce Compliance Systems, ZRFC 2009, 24-28

Data protection vs. Freedom of information?, ZRFC 4/09, 158

Introduction, definitions, and legal bases, Compliance Management Course Section 1, Eschborn 2008

Current developments of the jurisdiction with regard to the Law concerning the Berlin Wall, LKV 2008, 306

Approval of Benefits in Accordance with § 331 German Penal Code, GesundheitsRecht 2007, 102-104

Freedom of information act in North Rhine-Westphalia, DÖV 2003, 482

Changes in Drafting Acquisition Contracts due to the new Copyright Law, NJW 2002, 3286

Change of Control Clause in the New Copy Right Law, AfP 2002, 298

Freedom of Information Laws – Improved Research Tool for the Press, AfP 2002, 298

The new transparency regulation (EG) Nr. 1049/2001, NJW 2001, 3154 – 2158

The Freedom of Information Law for Berlin, LKV 2001, 98

The Freedom of Information Law in Brandenburg, a Model for Germany?, NJW 1998, 2559

The Duty to Denounce under § 6 SubvG, NJW 1996, 2492

Constitutions and Revolutions, Denver Journal of International Law and Policy 21(1992), 1-28

Revolutions and Continuity, Law Journal of Southern Africa, vol. XXV No. 2 July 1992, 156 - 180

### **III. Reviews of**

Albert Ingold, The Right to Disinformation, Constitutional Boundaries for state disinformation activity, Contribution to the Law of Information, Berlin 2011, vol. 26, in AfP 2017, 91

Friedhelm Schoch, Freedom of Information, 2<sup>nd</sup> ed., Munich 2016, AfP 2016, 383

Erik Hevers, access to information claims of the exploratory scientist, contributions on information law volume 36 Berlin 2015, in AfP 2016, 575

Hans-Jörg Borkenstein, Corruption Prevention through Information within the Public Administration, Baden-Baden 2015, in: Die Verwaltung 48 (2015) 611

Friedrich Schoch and Michael Kloepper, The Draft of a Freedom of Information Act for Germany, AfP 2002, 463

#### **IV. Selected Newspaper Articles**

"Who is afraid of Algiers?" Business Report 4/2011, 24

"No black box in the finance industry", NJW-Editorial Issue 15/2009

"This is who you are, a murderer, The case of the German diplomat Franz Nüsslein", Die Zeit 2006, S. 92, with Melissa Müller

"The heritage of Louis London", Aufbau, 27. June 2002, S. 21

#### **V. Translations**

Acquisition of Companies in the USA, by Andres J. Sutter, in Turcon/Zimmer (ed.), Basic Principles of the US American Business Law, p. 31-60 (1994)

#### **VI. Expert Hearings in the Parliament**

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|------|--|
| 2019 | Hearing in the German Federal House of Parliament, Bundestag, on the German Trade Secrets Act          |
| 2018 | Hearing in the Thuringian State Parliament, Landtag Thüringen, on the new Thuringian Archive Law       |
| 2014 | Hearing in the German Federal House of Parliament, Bundestag on the New German Press Law               |
| 2005 | Hearing in the German Federal House of Parliament, Bundestag, on the German Freedom of Information Act |

#### **VII. Selected Court Decisions (J : judgment; D: decision)**

##### **1. European Court of Human Rights, Strasbourg**

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|---------------|--|
| Case 8819/16  | accepted, access by a journalist to files on the case of the murder of state governor Barschel with the German Federal Intelligence Agency (BND) |
| Case 6106/16, | accepted, access by a journalist to files on Nazi members with the German Federal Intelligence Agency (BND)                                      |
| Case 4450/15  | accepted, access by a journalist to files on Adolf Eichmann with the German Federal Intelligence Agency (BND)                                    |
| Case 78944/12 | accepted, by a journalist to the files of Stasi judges in Brandenburg, EuGRZ 2015, 546 f.  |

## **2. German Supreme Court of Constitution, BVerfG**

D: September 3, 2015 – 1 BvR 1983/15, temporary injunction granted against repeated postponement of proceedings, Art. 19 IV Basic Law, access to justice and breach of the principle of effective legal protection

## **3. German Supreme Court of Administration, BVerwG**

J: December 15, 2020 – 10 C 24.19 – no abuse of right of freedom of information by flight engineer against the Federal Ministry of Economy

J: April 7, 2020 – 20 F 2/19– closed circuit decision on information on the diesel scandal with the Federal Ministry of Traffic, NVwZ-RR 2020, 909 ff.

J: December 11, 2019 – 6 C 21.18 – access to the archive of the Federal Intelligence Agency concerning the files on SS member Aloys Brunner

J: August 29, 2019 – 7 C 33/17 – access to tax file denied, juris 2020, 246 ff.

J: January 30, 2019 – 6 A 1.17 – access to the Federal Intelligence files on dead informants granted, AfP 2019, 280

J: September 5, 2018 – 6 A 1.18 – access to the archive of the Federal Intelligence Agency concerning the files on German terrorists

J: March 22nd, 2018 – 7 C 21.16 – no Inadmissibility for lack of Preliminary Proceedings, access to files of the Federal Ministry of Justice, AfP 2018, 330

J: June 29, 2017 – 7 C 24.15 – access to the expert opinion on a German civil servant with Nazi past, ZD 2018, 47 ff.

D: May 3, 2016 – 7 C 7.15 – on the subject of dispute (Streitgegenstand) press access rights v. freedom of information law

J: March 16, 2016 – 6 C 65.14, access to information on the funding of luxury pens for members of the Federal parliament, AfP 2016 465 ff.

J: February 25, 2016 – 7 C 18.14 -, access to files of the Federal Intelligence Agency with the Federal Chancellery under press access rights, AfP 2016, 375 ff.

D: November 24, 2015 – 20 F 4.14 -, closed circuit decision on rental contract concerning Tempelhof airport, AfP 2016, 462 ff.

J: November 27, 2014 – 7 C 20.12 -, access to information on the funding of luxury pens for members of the Federal parliament under the freedom of information law, AfP 2016 465 ff.

D: November 27, 2013 – 6 A 5.13 -, access to the archives of the German Federal Intelligence Agency on the murder of state governor Barschel in Switzerland



D: August 7, 2013	- 20 F 9/12 -, closed circuit decision on the right of access to Red Army Fraction files with the Federal Intelligence Agency
J: November 27, 2013	- 6 A 5.13 – access to the files concerning the murder of the state governor Barschel with the Federal Intelligence Agency
J: June 27, 2013	- 7 A 15.10 – the effect of in circuit decisions on the final judgment
J: February 20, 2013	- 6 A 2/12 -, Art. 5 Basic law gives the press a right of information, landmark case numerous publications
D: January 1st, 2012	- 20 F 1/11 -, closed circuit decision on the right of access to the files concerning Adolf Eichmann with the Federal Intelligence Agency

#### 4. State Supreme Courts of Constitution

Expected in 2021	- P St. 2729 - by the <b>Hesse</b> Court of Constitution concerning German journalist Stefan Aust's rights to information under the Hesse Constitution
D: December 18, 1997	- 16/97 – by the <b>Brandenburg</b> Court of Constitution a member of parliament's right of access to the files of the government under the Constitution of Brandenburg
D: November 20, 1997	- 12/97 – by the <b>Brandenburg</b> Court of Constitution a member of parliament's right of access to the government files under the Constitution of Brandenburg

#### 5. Appellate State Court

D: OVG Bautzen,	May 13, 2020 – 5 B 102/20 – injunction granted to journalist to receive answers from City of Leipzig, NJW 2020, 2288; AfP 2020, 240 f.
D: OVG Kassel,	November 11, 2019 – 8 B 1938/19 – injunction granted to receive information against the Hesse State Office for the Protection of the Constitution on NSU-terrorists, NVwZ-RR 2020, 445 ff.;
D: VGH Baden-W.,	November 6, 2019 – 1 S 1987/19 – injunction granted to receive information from the communal register
J: OVG North Rhine-W.,	September 10, 2019 – 15 A 275/15, right to information against the Federal Agency for the Protection of the Constitution concerning the activities of a Supreme Administrative court judge with the Agency, AfP 2020, 161 ff.; NVwZ 2020, 1610 ff.
J: OVG North Rhine-W.,	July 5, 2018 – 15 A 2147/13, access to the archives of the North Rhine Federal Agency for the Protection of the Constitution concerning the files on Adolf Eichmann, AfP 2018, 453 ff.

- D: OLG Karlsruhe, September 28, 2017 – 11 W 81/17 (wx), decision on the access to the land register for journalists
- D: OVG North Rhine-W., May 3, 2017 – 15 B 457/17, Injunction against bar association to answer the press
- D: OVG North Rhine-W., January 1, 2017 – 15 1289/16 – access to contracts for immigrant housing, AfP 2017, 245 ff.
- D: Bavarian OVG, January 29, 2014 – 7 CE 14.253, access to information on WW II looted paintings of Cornelius Gurlitt, AfP 2014, 375 ff.
- J: OVG Berlin-B., January 28, 2015 -12 B 21.13, access to the files on the new Berlin airport BER, AfP 2015, 274 ff.

## VIII. Abbreviations of Journals

- AfP Archiv für Presserecht
- DÖV Die öffentliche Verwaltung
- EuGRZ Europäische Zeitschrift für Grundrechte
- K&R Kommunikation und Recht
- LDA Die Landesbeauftragte für den Datenschutz und für das Recht auf Akteneinsicht
- LKV Landes- und Kommunalverwaltung
- NJW Neue Juristische Wochenschrift
- NVwZ Neue Zeitschrift für Verwaltungsrecht
- NVwZ-RR Neue Zeitschrift für Verwaltungsrecht Rechtsprechungs-Report
- RuP Recht und Politik
- ZRFC Zeitschrift für Risk Fraud und Compliance