

INSTRUCTIONS AND DECLARATION

I. Instructions

According to section 33 subsection 1 sentence 2 of the Act on the Status of Civil Servants (BeamtStG), civil servants are obliged to acknowledge and defend the free democratic constitutional order within the meaning of the Basic Law of the Federal Republic of Germany (GG) in their entire behaviour.

Consequently, according to section 7 subsection 1 no. 2 BeamStG, only those who guarantee to pledge allegiance to the free democratic constitutional order as defined by the Basic Law at any time may be appointed to serve in the civil service.

Pursuant to section 3 subsection 1 sentence 2 of the Collective Agreement for Public Employees of the German Länder (TV-L), public employees have the same political loyalty obligations.

As determined by the Federal Constitutional Court, the free democratic constitutional order within the meaning of the Basic Law is an order that represents a constitutional system of rule based on of self-determination of the people contingent on the principles of majority rule, freedom and equality, while excluding all tyranny and arbitrary rule. The free democratic constitutional order is the opposite of a totalitarian state that, as the exclusive ruling power, rejects human dignity, freedom and equality. The basic principles of this order include in particular:

Respect for the human rights as defined in the Basic Law, particularly the right of the individual to life and free development of their personality,
the sovereignty of the people,
the separation of powers,
the accountability of the government,
the legality of administrative action,
the independence of the courts,
the multi-party principle,
equal opportunities for all political parties,
the right to constitutionally form and exercise opposition.

Participation in activities directed against the above listed basic principles of the free democratic constitutional order is not compatible with the obligations of an employee in the public service. It is irrelevant whether these activities are pursued within or outside of an organization. Applicants for the public service who take part in or support anti-constitutional causes must not be hired. Civil servants who are guilty of breaching this duty have to expect disciplinary action aiming at their dismissal from the civil service.

In such cases, public employees have to expect extraordinary termination of their contracts according to section 626 of the German Civil Code (BGB).

Accordingly, applicants have to sign the following declaration:

II. Declaration

Based on these instructions, I hereby explicitly declare that I affirm the above listed principles of the free democratic constitutional order within the meaning of the Basic Law and that I am at any time prepared to acknowledge and defend the free democratic constitutional order within the meaning of the Basic Law in my entire behaviour.

I hereby declare explicitly that I neither support any causes against the free democratic constitutional order or against one of the above listed basic principles, nor am I a member of an organization that is directed against these.

I am aware that in the event of a breach of duty and obligations I have to expect to be dismissed from service.

.....,
Place Date Signature