

# Questionnaire

## for the assessment of loyalty to the German constitution

**Please note that the German version of this form is the official version. Please sign and return it with your application portfolio. The English version is merely provided for the purpose of helping you fill out the form.**

I have taken note of the list of extremist or extremist-influenced organizations provided to me. I am aware that I also have to declare membership of or collaboration/ association with other German or foreign extremist or extremist-influenced organizations not specifically listed here.

Please answer the following questions:

1. Are you or have you been a member of one or more extremist or extremist-influenced organizations?

- No  
 Yes

Organization	Period of time	Role

2. Do you support one or more extremist or extremist-influenced organizations or other anti-constitutional activities or have you supported them in the past?

- No  
 Yes

Organization or other anti-constitutional activities	Period of time	Type of support

3. Did you ever work for the Ministry for State Security/Office for National Security of the former German Democratic Republic (GDR) or for one of the subdivisions of these offices, foreign intelligence services or similar institutions?

- No  
 Yes

Period of time	Role or type of support

Were you ever a so-called Unofficial Employee of the Ministry for State Security/Office for National Security of the former GDR or of foreign intelligence services/institutions or did you sign an undertaking to work together with any of the above-named organizations?

- No  
 Yes

If yes, please give further details

4. Has legal action been taken against you because you have violated principles of humanity or the rule of law?

- No  
 Yes

If yes, give a brief description

In the event that an inquiry is to be made according to the procedure set out in Part 2, nos. 2 to 4, of the Publication on the Duty of Loyalty to the Constitution in the Civil Service (VerfStDBek), I hereby give my permission for the necessary information to be requested from the *Landesamt für Verfassungsschutz* (State Office for the Protection of the Constitution) and the *Bundesbeauftragte für die Unterlagen des Staatssicherheitsdienstes der ehemaligen Deutschen Demokratischen Republik* (Federal Commissioner for the Stasi Archives of the former German Democratic Republic).

The data collected, processed and used from the above inquiry is intended to ensure the loyalty to the constitution of applicants for civil service positions. Any information gathered by the inquiry will be sent to the government authority in charge of the employment. Applicants may refuse their permission to the above-mentioned requests. However, a refusal may prevent employment in civil service (Part 2, no. 1, section 2, no. 5 VerfStDBek).

.....  
Place, date

.....  
Signature

Notes re no. 1 and no. 2 of the questionnaire:

Organizations within the meaning of no. 1 and no. 2 above are organizations that exist or existed in the Federal Republic of Germany. The most important organizations are listed in sections I

and II of the list in accordance with Section II no. 8 of the Publication set out below. This list is not exhaustive. Membership in and support of other extremist or extremist-influenced organizations (including foreign associations) must also be declared.

**Public notice of the *Bayerisches Staatsministerium des Innern* (Bavarian State Ministry of the Interior) of 29 November 2007, ref.: ID6-0331-2, last amended by public notice of 18 April 2016**

**List of extremist or extremist-influenced organizations**

(Non-exhaustive list)

**1. Left-wing extremism**

- Antifaschistisches Aktionsbündnis
- Antifaschistisches Komitee – Stoppt die schwarzbraune Sammlungsbewegung (AKS)
- Antikapitalistische Linke (AKL)
- Arbeiterbund für den Wiederaufbau der KPD (AB)
- Arbeitsgemeinschaft Cuba Si (Cuba Si)
- Autonome Gruppen einschließlich örtlicher Gruppierungen
- Bamberger Linke (BaLi)
- Deutsche Friedens-Union (DFU)
- Deutsche Kommunistische Partei (DKP)
- Die LINKE. Sozialistisch-demokratischer Studierendenverband (DIE LINKE.SDS)
- Frauenverband Courage
- Freie Deutsche Jugend (FDJ)
- GegenStandpunkt (GSP), früher: Marxistische Gruppe (MG) – aufgelöst im Mai 1991 –
- Geraer/Sozialistischer Dialog (GSoD)
- internationale sozialistische linke (isl)
- Jugend gegen Rassismus in Europa (JRE)
- Jugendverband REBELL
- Kommunistische Partei Deutschland ("Sektion Ost", Sitz Berlin)
- Kommunistische Plattform (KPF)
- Kommunistischer Hochschulbund (KHB)
- Linksjugend ('solid)
- Marx 21
- Marxistisches Forum (MF)
- Marxistisch-Leninistische Partei Deutschlands (MLPD)
- Münchener Bündnis gegen Krieg und Rassismus, formerly: Bündnis München gegen Krieg
- Münchener Kurdistan-Solidaritätskomitee
- Revolutionär Sozialistischer Bund (RSB)
- Rote Hilfe e. V. (RH)
- Solidarität International (SI)
- Sozialistische Alternative VORAN (SAV)
- Sozialistische Deutsche Arbeiterjugend (SDAJ)
- Sozialistische Linke (SL)
- Verein für Arbeiterbildung Nordbayern
- Vereinigung der Verfolgten des Naziregimes – Bund der Antifaschistinnen und Antifaschisten (VVN-BdA)

Volksfront gegen Reaktion, Faschismus und Krieg (VOLKSFRONT)

## 2. Right-wing extremism

Aktivitas der Münchener Burschenschaft Danubia (from January 2001)

Augsburger Bündnis – Nationale Opposition (AB-NO)

Blood & Honour – Division Deutschland mit White Youth – banned since September 2000 –

Bürgerbewegung Pro München patriotisch und sozial e. V.

Bürgerinitiative A (BIA) e. V., Sitz: Nürnberg

Bürgerinitiative Ausländerstopp (BIA) Augsburg

Bürgerinitiative Ausländerstopp (BIA) München

Bürgerinitiative Soziale Alternative Oberpfalz (BISAO)

Bürgerinitiative Soziales Fürth (BiSF)

Demokratie Direkt München e. V. (mit Freundeskreis Demokratie Direkt München)

Der Dritte Weg (III. Weg)

Der Flügel

Deutsche Liga für Volk und Heimat (DLVH)

Deutsche Partei – Die Freiheitlichen (DP) bis 2008

Deutsche Volksunion (DVU)

Deutsche Volksunion e. V. (DVU) including its action groups

Deutschland-Bewegung/Friedenskomitee

Die Deutsche Freiheitsbewegung e. V. (DDF)

DIE RECHTE

Die Republikaner (REP) bis 2008

Exilregierung des Deutschen Reiches

Fränkische Aktionsfront (F.A.F.) – banned since 2004 –

Freiheitliche Deutsche Arbeiterpartei (FAP) – banned since 1995 –

Freundeskreis Ulrich von Hutten e. V.

Gesellschaft für freie Publizistik e. V. (GFP)

Heimatreue deutsche Jugend (HDJ) – banned since 2009 –

Hilfsorganisation für nationale politische Gefangene und deren Angehörige e. V. (HNG)

Identitäre Bewegung Deutschland

Junge Alternative für Deutschland – Bayern (JA Bayern)

Junge Nationaldemokraten (JN)

Kampfbund Deutscher Sozialisten (KDS) – dissolved in 2008 –

Midgard e. V.

Nationaldemokratische Partei Deutschlands (NPD)

Nügida

Pegida Franken

Pegida München e. V.

Right-wing extremist groups and local neo-Nazi groups such as Kameradschaft Hof, Bund Frankenland e. V.,

Kameradschaft Unterfranken, Kameradschaft München Nord, Freie Nationalisten Bayerischer Wald, etc.

Right-wing extremist skinheads, Hammer-Skins (including local groups and skinhead bands)

Ring Nationaler Frauen (RNF)

Schutzbund für das Deutsche Volk (SDV)

Transregional groups (Kameradschaftsbündnisse) such as Freies Netz Süd (FNS), Nationales Bündnis Niederbayern (NBN) or Freier Widerstand Süddeutschland (FWS)

## 3. Islamist/Islamist-terrorist/extremist anti-foreigners groups

Abu Nidal Organisation (ANO)

Abu Sayyaf

Ahl us-Sunnah wal Jama'a (Salafi)

Ahrar al-Sham (Hakarat Ahrar a-Sham)

Al Moqawama Al Islamiya (Islamic opposition)

Al-Aqsa Martyrs' Brigades

Al-Aqsa e. V.

Al-Gamaa al-Islamiya (Islamic Groups)

Al-Ittihad al-Islami (The Islamic Union), Somalia

Al-Nahda, also: En Nahda

Al-Qaida (The Basis), also: International Islamic Front for Jihad against Jews and Crusaders or International Islamic Front

Al-Qaida in the Arabian Peninsula (Jemen, Saudi Arabia)

Al-Qaida in the Islamic Maghreb (AQM), formerly: Groupe Salafiste pour la Prédication et le Combat (GSPC)

Al-Qaida in Mesopotamia, also Organisation of Jihad's Base in Mesopotamia, Al-Qaida in Iraq, Al-Qaida for Jihad in Mesopotamia

Izz ad-Din al-Qassam Brigades or The Al-Qassam Brigade

Al-Tauhid, also: Al-Tahwid

Ansaar International/Düsseldorf e. V.

Ansar al-Islam, or Jaish Ansar al-Sunna, formerly: Jund al-Islam, Kurdish al-Tauhid, Hezi Dui-Soran Kurdic Hamas ansarul aseer

Arbeiterpartei Kurdistans/Kurdistan Workers' Party (PKK) – banned in Germany since 1993 –, other names: Volkskongress Kurdistans (KONGRA GEL or KHK), Freiheits- und Demokratiekongress Kurdistans (KADEK), Vereinigte Gemeinschaften Kurdistans (KCK), Group of Communities in Kurdistan (KKK)  
 Asbat al-Ansar (AaA)  
 Ba'ath Party, Iraq  
 Babbar Khalsa International (BK)  
 Befreiungsarmee von Kosovo/Kosovo Liberation Army (UÇK)  
 Bewaffnete Einheiten der Armen und Unterdrückten (FESK)  
 Bewaffnete Islamische Gruppe/Groupe Islamique Armée (GIA)  
 Ciwanên Azad  
 Dar al-Shabab (Internationaler Jugendverein Dar al-Shabab e. V.) – banned in Germany since 2014 –  
 Dawa-Team Frankfurt am Main (DAWAFFM) – banned in Germany since 2013 –  
 Demokratische Front für die Befreiung Palästinas/Democratic Front for the Liberation of Palestine (DFLP)  
 Demokratische Jugend (DEM-GENÇ)  
 Demokratisches Gesellschaftszentrum der Kurdinnen in Deutschland (NAV-DEM), formerly: Föderation kurdischer Vereine in Deutschland e. V. (YEK-KOM)  
 Devrimci Sol (Revolutionäre Linke) – banned in Germany since 1983 –  
 Die Wahre Religion (DWR)  
 Einladung zum Paradies (EZP) – banned in Germany since 2011 –  
 Europäische Moscheebau- und Unterstützungsgemeinschaft e. V. (EMUG)  
 Farben für Waisenkinder e. V. (FFW), formerly: Waisenkinderprojekt Libanon e. V. (WKP)  
 Fazilet Partisi – FP – (Tugendpartei/Virtue Party)  
 Federal Islamic Organisation Europe (FIOE)  
 Föderation der Arbeiter aus der Türkei in Deutschland e. V. (ATIF)  
 Föderation der Arbeiterimmigranten aus der Türkei in Deutschland e. V. (AGIF)  
 Föderation der demokratischen Aleviten (FEDA bzw. DAF), früher: Föderation der Aleviten aus Kurdistan (FEK bzw. KAF), Union der Aleviten aus Kurdistan (KAB bzw. YEK)  
 Föderation der patriotischen Arbeiter- und Kulturvereinigungen aus Kurdistan in der Bundesrepublik Deutschland e. V. (FEYKA-Kurdistan) – banned in Germany since 1993 –  
 Föderation der Türkisch-Demokratischen Idealistenvereine in Europa e. V. (ADÜTDF)  
 Freiheitsfalken Kurdistans/Kurdistan Freedom Falcons (TAK)  
 Harakat Al-Shabab (HSM), (Somalia)  
 Harakat Ul-Ansar, Kashmir  
 Harekat al-Mujahidin, Kashmir/Pakistan  
 Haus der Kurdischen Künstler e. V. (früher: HUNERKOM)  
 Helfen in Not e. V.  
 Help4Ummah e. V.  
 Hezb-i Islami/Hezbi Islami (HIA)  
 Hilafet Devleti (Kalifatsstaat), formerly: Verband der islamischen Vereine und Gemeinden e. V. (ICCB) – banned in Germany since 2001 –  
 Hisbul-Islami (Somalia)  
 Hizb Allah/Hisbollah/Hezbollah  
 Hizb ut-Tahrir (Party of Liberation)  
 International Sikh Youth Federation (ISYF)  
 Islamic Movement of Kurdistan (IMK)  
 Islamische Audios – banned in Germany since 2013 –  
 Islamische Avantgarden  
 Islamische Bewegung Usbekistans (IBU), also: Islamic Movement of Uzbekistan (IMU), also: Özbekistan Islomiy Harakati (ÖIH)  
 Islamische Gemeinschaft in Deutschland e. V. (IGD) and its Islamische Zentren (IZ)  
 Islamische Gemeinschaft Milli Görüs e. V. (IGMG)  
 Islamische Gesellschaft Kurdistans (CIK)/Civaka Islamiya Kurdistan, formerly: Islamische Bewegung Kurdistans (KIH) or Islamischer Bund Kurdistans (HIK) – subdivision of KONGRA GEL –  
 Islamische Heilsfront/Islamic Salvation Front (FIS)  
 Islamische Jihad Union (IJU)  
 Islamische Vereinigung in Bayern e. V. (IVB)  
 Islamische Widerstandsbewegung (HAMAS)  
 Islamischer Bund Palästina (IBP)  
 Islamischer Humanitärer Entwicklungsdienst (IHED)  
 Islamischer Staat/Islamic State (IS), also: ISIS or ISIG – activities banned in Germany since 2014 –  
 Ismail Aga Cemaati (IAC)  
 Jabhat al-Nusra(h)/Al Nusra Front  
 Jaish Aden Abyan (Armee Aden Abyan)/Aden-Abyan Islamic Army, Jemen  
 Jama'at Islamiya Kurdistan/Islamic Group Kurdistan (Islamische Gruppe Kurdistans, also: Komele Islami le Kurdistan, Komala Islami, Jama'at Islami, Group Islam Bapir, Ali Bapir Jam'at Islami Iraq)/Islamic Group Kurdistan  
 Jama'at wa'l Dawa/Jamaat-ud-Dawa, formerly: Laskhar-e Tayyba/Lashkar-e-Taiba  
 Jemaah Islamiya (Islamic Congregation), Indonesia  
 Jihad Islami (JI)  
 Jund al Nusrah  
 Jund al-Sham (JaS) [Jihadist-Salafist organization in Lebanon]  
 Junud al-Sham, also: Junud ash-Sham [Jihadist organization in Syria]  
 Kata'ib Ahrar al Sham (KAS)  
 Konföderation der Arbeiter aus der Türkei in Europa/Confederation of Workers from Turkey in Europe (ATIK)

Konföderation der unterdrückten Migranten in Europa/Avrupa Ezilen Göçmenler Konfederasyonu (AvEG-Kon)

Kongress der kurdischen demokratischen Gesellschaft in Europa/European Kurdish Democratic Societies Congress (KCD-E), formerly: Konföderation der kurdischen Vereine in Europa (KON-KURD)

Koordination der Kurdischen Demokratischen Gesellschaft in Europa (CDK); coordination of Civata Democratic Kurdistan, formerly: Kurdische Demokratische Volksunion (YDK), formerly: Nationale Befreiungsfront Kurdistans (ERNK), – banned in Germany since 1993 –

Kurdische Frauenbewegung in Europa (TJKE, AKKH)/European Kurdish Women's Movement, Verband der stolzen Frauen (KJB)/Koma Jinên Bilind, including the groups Freie Frauenverbände (YJA), Freie Frauenbewegung (YJA-STAR)/Free Women's Units YJA/YJA-STAR, and Freiheitspartei der Frauen Kurdistans (PAJK)/Partiya Azadiya Jin a Kurdistanê, formerly: Partei der freien Frauen (PJA), formerly: Union der freien Frauen aus Kurdistan (YAJK)

Kurdischer Nationalkongress/Kurdistan National Congress/ Kongreya Neteweyî ya Kurdistanê (KNK)

Kurdischer Roter Halbmond/Kurdish Red Moon/Heyva Sor a Kurdistanê (HSK)

Kurdistan Informationsbüro in Deutschland (KIB) – prohibited since 1995 –

Kurdistan Informations-Zentrum (KIZ)

Kurdistan-Komitee e. V., Köln – prohibited since 1993 –

Liberation Tigers of Tamil Eelam (LTTE)

Maoistische Kommunistische Partei/Maoist Komünist Partisi (MKP), formerly: Ostanatolisches Gebietskomitee (DABK)

Marxistisch-Leninistische Kommunistische Partei (MLKP)

Medizin mit Herz e. V.

Millatu Ibrahim – prohibited in Germany since 2012 –

Multikulturhaus Neu-Ulm e. V. – prohibited since 2005 –

Muslimbruderschaft/Muslim Brotherhood (MB)

Muslimische Jugend in Deutschland e. V. (MJD)

Nationaler Widerstandsrat Iran (NWRI)/National Council of Resistance of Iran (NCRI)

Palästinensischer Islamischer Jihad/Islamic Jihad Movement in Palestine (PIJ)

Partei der Nationalen Bewegung/Milliyetçi Hareket Partisi (MHP)

Partizan (Flügel der Türkischen Kommunistischen Partei/Marxisten-Leninisten – TKP/ML –)/Communist Party of Turkey/Marxist-Leninist/Türkiye Komünist Partisi/Marksist-Leninist

Refah Partisi – RP – (Wohlfahrtspartei/Welfare Party)

Revolutionäre Volksbefreiungspartei-Front/Devrimci Halk Kurtuluş Partisi-Cephesi (DHKP-C) – prohibited in Germany since 1998 –

Saadet Partisi – SP – (Partei der Glückseligkeit)

Salafiyya-Gruppe für die Mission und den Kampf/Groupe Salafiste pour la Prédication et le Combat, (GSPC)

Solidaritätskomitee mit den politischen Gefangenen in der Türkei (DETUDAK)

Tablighi Jama'at (TJ), also: Jamiyyat al Dawah wal-Tabligh

Tawhid Germany/Tauhid Germany/Team Tauhid Media – prohibited in Germany since 2014 –

Tschetschenische Republik Itscheria/Chechen Republic of Ichkeria (CRI), also: Tschetschenische Separatistenbewegung (TSB)

Türkische Hizbullah (TH), auch: Türkische Hizbollah/Hizbollah/Hizb Allah

Türkische Kommunistische Partei/Marxisten-Leninisten, Communist Party of Turkey/Marxist-Leninist; Türkiye Komünist Partisi/Marksist-Leninist (TKP/ML) and Abspaltung Partizan-Flügel/partizan section

Türkische Volksbefreiungspartei-Front/Revolutionary People's Liberation Front/Devrimci Halk Kurtuluş Partisi-Cephesi (THKP-C Devrimci Sol) – prohibited in Germany since 1998 –

Union der Journalisten Kurdistans/Kurdish Journalists' Union (YRK)

Union der kurdischen Lehrer, Union der Lehrer aus Kurdistan/Kurdish Teachers' Union (YMK)

Union Islamischer Studentenvereine in Europa (U.I.S.A./Union of Islamic Students Associations in Europe)

Union zur Pflege der kurdischen Kultur und Kunst (YRWK)/Union for the Promotion of Kurdish Culture and Art

Verband der StudentInnen aus Kurdistan (YXK)

Vereinigung der demokratischen Jugendlichen Kurdistans (KOMALEN-CIWAN)/Komalên Ciwan, formerly: Bewegung der freien Jugend Kurdistans (TECAK), formerly: Union der Jugendlichen aus Kurdistan (YCK)

Volksfront für die Befreiung Palästinas – Generalkommando –/Popular Front for the Liberation of Palestine – General Command (PFLP-GC)

Volksfront für die Befreiung Palästinas/Popular Front for the Liberation of Palestine (PFLP)

Volksmujahidin Iran-Organisation (MEK)/People's Mujahedin Iran

Volksverteidigungskräfte/People's Defence Forces/Hêzên Parastina Gel, (HPG), formerly: Volksbefreiungsarmee Kurdistans (ARGK), Befreiungseinheiten Kurdistans (HRK)

Wahrheit im Herzen (DWIH)

Yatim Kinderhilfe e. V.

#### 4. Other extremist organizations

Bürgerbewegung Pax Europa – Landesverband Bayern (BPE Bayern)

DIE FREIHEIT Bayern

Pegida Nürnberg

Politically Incorrect Gruppe München (PI-München)

Reichsbürgerbewegung (Reich Citizens' Movement), e.g. Exil-Regierung Deutsches Reich, Bundesstaat Bayern, Heimatgesellschaft Chiemgau, and so-called Selbstverwalter (autonomists) who declare to have separated from the Federal Republic of Germany and define their apartment, house or premises as sovereign territory

Scientology Organization (SO) and its subgroups

## Information on the Duty of Loyalty to the Constitution in the Civil Service

*Beamte*\* must commit themselves to uphold and defend both the free democratic basic order as set out in the German Basic Law and the constitution of the Free State of Bavaria in all of their actions and by their general conduct (§ 33 (1) of the Civil Servant Status Law (*BeamStG*)).

Accordingly, pursuant to § 7, subsection 1, no. 2 of the Civil Servant Status Law (*BeamStG*), only applicants who warrant that they will at all times defend the free democratic basic order as set out in the Basic Law and the Constitution of the Free State of Bavaria may be appointed *Beamte*.

The same rules apply to judges [§ 9, no. 2 of the German Judiciary Act; § 71 of the German Judiciary Act in conjunction with § 33, subsection 1 of the Civil Servant Status Law (*BeamStG*)].

The duty of public employees to commit themselves, in all of their actions and by their general conduct, to the free democratic basic order as set out in the Basic Law is specified in § 3, subsection 1, clause 2 of the Collective Agreement for the Civil Service of the Federal States (TV-L).

According to the rulings of the Federal Constitutional Court (cf. judgment of 23 October 1952 – file no. 1 BvB 151 – Compilation of Decisions of the Federal Constitutional Court, Vol. 2, p. 1 et seq.; judgment of 17 August 1956 – file no. 1 BvB 2 51 - Compilation of Decisions of the Federal Constitutional Court, Vol. 3, p. 85 et seq.), free democratic basic order according to the German Basic Law is an order characterized by freedom and equality and bound by the rule of law based on self-determination of the people in accordance with the will of the majority, without violence or despotism. Free democratic basic order is the opposite of a totalitarian state which, as an absolutist regime, does not

respect human dignity, freedom and equality. The basic principles of this order include, in particular:

respect for the human rights set out in the Basic Law, in particular the right of the individual to life and free development of their personality,  
popular sovereignty,  
separation of powers,  
accountability of the government,  
legality of administration,  
independence of the courts,  
multiparty principle,  
equal opportunities for all political parties,  
constitutional right to form and practice opposition.

Participation in activities which are contrary to the above-mentioned principles of a free democratic basic order is incompatible with the duties of civil service positions, irrelevant of whether these activities are pursued as part of an organization or individually.

Applicants for civil service positions who take part in or support anti-constitutional activities must not be employed.

*Beamte* and judges who commit such a breach of duty must be aware that disciplinary proceedings may be instigated against them for the purpose of terminating their position.

For public employees, such conduct is likely to lead to dismissal without notice pursuant to § 626, subsection 1 of the German Civil Code (BGB).

\*Under German civil service laws, a distinction is made between two categories of civil servants, i.e. public employees in the civil service (in this document referred to as "public employees") and *Beamte* with their own legal status.

# Excerpt from the **Public Notice of the State Government of Bavaria** on the Duty of Loyalty to the Constitution in the Civil Service of 3 December 1991 (StAnz./official gazette no. 49) as amended by the public notice of 27 September 2016

## Section 1 General Provisions

### 1. Duty of Loyalty to the Constitution

Pursuant to the German Basic Law (*Grundgesetz*), the Bavarian constitution, the Civil Servant Status Law (*BeamStG*), and the German Judiciary Act (*Deutsches Richtergesetz*)

- only persons may be appointed civil service or judge positions who warrant that they will at all times defend the free democratic basic order as set out in the Basic Law and the Constitution of the Free State of Bavaria;
- *Beamte* and judges are obligated to actively support the free democratic basic order both within and outside of their job duties.

### 2. Assessment principles

2.1 Each case must be assessed and decided individually, based on the following principles:

#### 2.2 Applicants

2.2.1 Applicants who engage in anti-constitutional activities are not eligible for civil service.

2.2.2 If applicants are members of an organization pursuing anti-constitutional purposes, their membership will give rise to doubts as to whether they will at all times uphold and defend the free democratic basic order.

2.2.3 Applicants who have violated principles of humanity or the rule of law or worked for the State Security/Office for National Security of the former German Democratic Republic (GDR) are not suitable for the civil service, which is defined by democratic freedom and the rule of law.

#### 2.3 *Beamte* and Judges

If *Beamte* or judges, as a result of their actions or membership in organizations pursuing anti-constitutional purposes, fail to comply with the provisions of § 33 (1) sentence 3 of the Civil Servant Status Law (*BeamStG*) – in case of judges in conjunction with § 71 of the German Judiciary Act (*DRiG*), which require them to uphold and defend the free democratic basic order as set out in the German Basic Law, the employer has to investigate the facts and circumstances and draw the necessary consequences, in particular examine whether or not the *Beamte* or judge should be removed from service.

### 3. Public Employees

In accordance with the requirements of collective agreements, the same principles shall apply to public employees.

## Section II Procedure

### 1. ...

2. In the event that as a result of the information provided in the questionnaire, the applicant's refusal to sign the declaration attached as Appendix 3/Appendix 4, or any other facts that have come to light there are concerns as to whether the applicant is fully committed to the free democratic basic order as set out in the Basic Law and the Bavarian Constitution, these concerns must be resolved prior to the applicant's employment. The following steps may be taken:

– file an inquiry to the *Landesamt für Verfassungsschutz* (State Office for the Protection of the Constitution) to establish whether or not there are any facts to support the concerns regarding the appointment. The State Office for the Protection of the Constitution is obliged to respond to such inquiries without delay. If there is supporting evidence, the information provided by the State Office must be restricted to facts that are suitable to be used in court;

– provided the applicant consents, file an inquiry to the *Bundesbeauftragter für die Unterlagen des Staatssicherheitsdienstes der ehemaligen Deutschen Demokratischen Republik* (Federal Commissioner for the Stasi Archives of the former German Democratic Republic) in the cases set out in § 20 (1) no. 6 lit. d, e and h and § 21 (1) no. 6 lit. d, e and h of the Stasi Files Act (StUG).

3. In departure from no. 2, for applicants from the former GDR born before 12 January 1972 inquiries regarding their potential activities for the Ministry for State Security/Office for National Security of the former GDR must always be filed to the Federal Commissioner for the Stasi Archives of the former German Democratic Republic in the cases set out in § 20 (1) no. 6, lit. d, e and h and § 21 (1) no. 6, lit. d, e and h of the Stasi Files Act (StUG), subject to the applicants' consent.

4. In accordance with no. 2 sentence 2, 1<sup>st</sup> bullet point, an inquiry to the *Landesamt für Verfassungsschutz* (State Office for the Protection of the Constitution) must always be filed in the following cases where

4.1 an applicant's employment in civil service coincides with the applicant's first appointment as judge;

4.2 an applicant was born or holds or held citizenship in one of the following countries:

- Islamic Republic of Afghanistan
- Arab Republic of Egypt
- People's Democratic Republic of Algeria
- Kingdom of Bahrain
- People's Republic of Bangladesh
- Eritrea
- Republic of Indonesia
- Republic of Iraq
- Islamic Republic of Iran
- Israel – persons of Palestinian ethnicity –

- Republic of Yemen
- The Hashemite Kingdom of Jordan
- Republic of Kazakhstan
- Kyrgyz Republic
- State of Kuwait
- Lebanese Republic
- Libya
- Kingdom of Morocco
- Islamic Republic of Mauritania
- Sultanate of Oman
- Islamic Republic of Pakistan
- Kingdom of Saudi Arabia
- Federal Republic of Somalia
- Republic of the Sudan
- Syrian Arab Republic
- Republic of Tajikistan
- Tunisian Republic
- Turkmenistan
- Republic of Uzbekistan
- United Arab Emirates;

4.4 Inquiries pursuant to nos. 4.1 through 4.3 require the applicant's consent; Art. 15 (2) through (4) of the Bavarian Data Protection Act must be complied with. Precondition for filing an inquiry is the intent to employ the applicant; in some cases, employment may be subject to receipt and examination of documents not yet submitted and assessment of the applicant's health status. Where an inquiry has been initiated and employment is no longer intended, the inquiry must be withdrawn without delay.

5. -8. ...

9. The Bavarian State Ministry of the Interior compiles a list of extremist or extremist-influenced organizations and publishes it in the *Allgemeines Ministerialblatt* and the *Bayerischer Staatsanzeiger* (General Ministerial Gazette/Bavarian Official Gazette). The list is updated by the State Ministry of the Interior as and when required.

4.3 applicants have no citizenship ("stateless persons") or whose citizenship is unknown or has not been determined.

**Declaration**

After having read the instructions on the duty of loyalty to the constitution in the civil service, I hereby expressly declare that I support the principles contained therein with regard to the free democratic basic order as set out in the German Basic Law and that I am prepared to uphold and defend the free democratic basic order as set out in the German Basic Law at all times through all my actions and conduct. I expressly affirm that I do not support any activities which are against the free democratic basic order or one of its above-mentioned fundamental principles and that I am not/have not been a member of an anti-constitutional organization.

I acknowledge having read and understood the list of anti-constitutional organizations.

I am aware that

- in case I have submitted inaccurate or incomplete information for the application process, I may not be employed or my appointment may be revoked and/or my employment contract may be rescinded,
- any breach of these duties of service and loyalty may result in my dismissal from the civil service and/or termination of my contract without notice.

.....  
Place, date

.....  
Signature