

Übersetzung durch Ute Reusch

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Stand: Die Übersetzung berücksichtigt die Änderung(en) des Gesetzes durch Artikel 37 des Gesetzes vom 20. November 2019 (BGBl. I S. 1626)

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Act on the Federal Voluntary Service (Bundesfreiwilligendienstgesetz – BFDG)

Federal Voluntary Service Act of 28 April 2011 (Federal Law Gazette I, p. 687), as last amended by Article 37 of the Act of 20 November 2019 (Federal Law Gazette I, p. 1626)

Section 1

Purpose of federal voluntary service

By undertaking the federal voluntary service women and men actively engage in activities which serve the common good, primarily in the social, environmental and cultural spheres, as well as in the fields of sports, integration, and civil protection and disaster relief. The federal voluntary service promotes lifelong learning.

Section 2

Volunteers

For the purposes of this Act, 'volunteers' are persons who

1. have completed their full-time compulsory education,
2. are undertaking a voluntary service
 - a) which is not intended to be a gainful activity, is not part of vocational training and is comparable to full-time employment or
 - b) which is not intended to be a gainful activity, is not part of vocational training and is comparable to part-time employment of more than 20 hours per week, provided that they
 - aa) have reached the age of 27 or
 - bb) are below the age of 27 and have a justified interest in taking on part-time employment,
3. have committed to undertaking the voluntary service for a period of a minimum of six months and a maximum of 24 months on the basis of an agreement pursuant to section 8 and
4. in return for their voluntary service may receive only free board, lodging and work clothes, as well as reasonable pocket money or, in lieu of board, lodging and work clothes, commensurate financial compensation; pocket money is reasonable if it

- a) does not exceed 6 per cent of the contribution assessment ceiling for statutory pension insurance,
- b) is commensurate with pocket money paid to other persons undertaking youth voluntary service in accordance with the Youth Voluntary Service Act (*Jugendfreiwilligendienstgesetz*) who are engaged in a comparable activity at the same place of assignment and
- c) is reduced for volunteers undertaking voluntary service which is comparable to part-time employment.

Section 3

Fields of assignment, duration

(1) Federal voluntary service is generally carried out on a full-time basis as a predominantly hands-on auxiliary activity in common good-oriented facilities, primarily facilities of the child and youth welfare services, including facilities for non-formal youth education and youth work, in facilities for social welfare, healthcare and care of the elderly, facilities providing help for the disabled, culture and cultural heritage protection institutions, sports, integration, civil protection and disaster relief facilities, and in facilities active in the field of environmental protection, including nature conservation and education for sustainability. The federal voluntary service must be labour-market neutral.

(2) Generally, federal voluntary service is carried out for a continuous period of 12 months. The voluntary service lasts a minimum of six months and a maximum of 18 months. By way of exception, it may be extended up to a maximum of 24 months where justified in the context of a specific educational concept. It may be carried out across separate periods if this is justified on the basis of an overall educational concept and each period lasts at least three months. For volunteers below the age of 27, the overall duration of all these periods and several federal voluntary services rendered may not exceed the overall duration permissible in accordance with sentences 2 and 3, after which five years must elapse following each overall term of voluntary service permissible in accordance with sentences 2 and 3; any period of youth voluntary service is credited against the overall period of voluntary service.

Section 4

Training and guidance

(1) Those undertaking federal voluntary service receive training and guidance with the aim of teaching social, environmental, cultural and intercultural skills and building a sense of responsibility for the common good.

(2) Volunteers receive technical guidance at their places of assignment.

(3) Seminars are held during the federal voluntary service at which attendance is compulsory. Time spent attending the seminars counts as service time. The overall duration of the seminars is at least 25 days for those carrying out federal voluntary service for a period of 12 months; volunteers over the age of 27 participate in an appropriate number of seminars. Where agreement is reached that the federal voluntary service is to exceed or is to be extended beyond 12 months, the number of seminar days increases by at least one day for each additional month. In the case of federal voluntary service lasting less than 12 months, the number of seminar days is reduced by two days for each month. Volunteers are involved in designing the content of the seminars and implementing them.

(4) The seminars referred to in subsection (3) include a five-day civic education seminar. The political issues dealt with in this seminar may not be reduced to the presentation of one-sided opinions. Instruction as a whole must be structured so that the volunteers are not influenced in favour of or against any particular political opinion.

(5) The seminars, especially the civic education seminar, may be organised jointly for both volunteers and those carrying out youth voluntary service or voluntary military service.

Section 5 Other Services Abroad

Existing accreditations and the possibility of the first-time accreditation of agencies, projects and assignment plans of Other Services Abroad (*Anderer Dienst im Ausland*, ADiA) in accordance with section 14b (3) of the Alternative Civilian Service Act (*Zivildienstgesetz*) remain unaffected.

Section 6 Places of assignment

(1) Volunteers carry out their federal voluntary service in accredited places of assignment.

(2) A place of assignment may, upon application, be accredited by the competent federal authority if it

1. performs tasks primarily in facilities of the child and youth welfare services, including facilities for non-formal youth education and youth work, in facilities for social welfare, healthcare and care of the elderly, facilities providing help for the disabled, culture and cultural heritage protection institutions, sports, integration, civil protection and disaster relief facilities, and in facilities active in the field of environmental protection, including nature conservation and education for sustainability,

2. guarantees that the provisions of this Act in regard to the activity carried out by the volunteers, their supervision and guidance are met and

3. the volunteers receive personal and technical guidance and are supervised and guided by qualified personnel.

Accreditation is given to specific posts. Conditions may be attached to the accreditation.

(3) The institutions providing employment and posts of the Alternative Civilian Service which were accredited as at 1 April 2011 in accordance with section 4 of the Alternative Civilian Service Act are regarded as accredited places of assignment and posts within the meaning of subsection (2).

(4) Accreditation is to be withdrawn or revoked if one of the requirements set out in subsection (2) is not or no longer met. It may also be revoked on other important grounds, in particular if a condition was not met or was not met within the time limit set.

(5) The place of assignment may assign statutory tasks or tasks set out in an agreement to an agency or a central office with its consent. This must be set out in the proposal referred to in section 8 (1).

Section 7 Central offices

(1) Agencies and places of assignment may establish central offices. These central offices must ensure that the agencies and places of assignment affiliated to them duly cooperate in carrying out the federal voluntary service. The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth determines, by statutory instrument not requiring the approval of the Bundesrat, the minimum requirements for the establishment of a central office, especially in regard to the number, size and geographical distribution of the places of assignment and agencies required for the establishment of a central office.

(2) Upon their request, the competent federal authority is to establish a central office for places of assignment and agencies not affiliated to any central organisation.

(3) Each place of assignment is affiliated to one central office or several central offices.

(4) The central offices may attach conditions to the places of assignment affiliated to them, in particular in regard to joining an agency or concerning the design and organisation of the educational guidance provided to volunteers.

(5) The competent authority informs the central offices after the entry into force of the annual Budget Act (*Haushaltsgesetz*), by 31 January of each year at the latest, of how many posts in the respective central office's area of responsibility are available from August of that year. The central offices are themselves responsible for the regionally appropriate allocation of

these posts to the agencies and places of assignment affiliated to them. They may attach conditions to the allocation of posts.

Section 8 Agreement

(1) The Federation and the volunteer conclude a written agreement prior to the commencement of the federal voluntary service on the basis of a proposal submitted jointly by the volunteer and the place of assignment. The agreement must specify

1. the volunteer's first name and surname, date of birth and address, and, in the case of minors, the address of his or her parents or legal guardians and the consent of his or her legal representative,
2. the designation of the place of assignment and, if it is part of an agency, the agency's designation,
3. the period of federal voluntary service to which the volunteer commits and a rule governing the premature termination of the voluntary service,
4. reference to the fact that the provisions of this Act must be complied with during the federal voluntary service,
5. the type and amount of the benefits in money and in kind and
6. the number of days of leave and of seminar days.

(2) The place of assignment may assign statutory tasks or tasks as set out in the agreement to an agency or a central office. This must be specified in the proposal referred to in subsection (1).

(3) The place of assignment, in consultation with the central office to which it is affiliated, submits the proposal to the competent federal authority. The central office ensures that a vacant post in accordance with section 7 (5) is available. The competent federal authority informs the volunteer and the place of assignment, where applicable the agency and the central office, that the agreement has been concluded or notifies them of the reasons why no agreement can be concluded.

Section 9 Liability

(1) The Federation is liable for wilful or negligent damage caused by the volunteer if the damaging action was carried out at its request. The volunteer may thus demand that the Federation release him or her from claims for damages made by the injured party.

(2) Volunteers are liable for damage arising during the execution of their tasks only to the same extent as an employee.

Section 10 Participation

The volunteers elect spokespeople to represent their interests vis-à-vis the places of assignment, agencies, central offices and the competent federal authority. The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth is to introduce, by statutory instrument not requiring the approval of the Bundesrat, rules detailing the electoral procedure.

Section 11 Certificate, reference

(1) Upon completion of the voluntary service, the place of assignment issues the volunteer with a certificate documenting the voluntary service. A duplicate copy of the certificate is to be sent to the competent federal authority.

(2) Upon completion of the voluntary service, the volunteer receives from the place of assignment a written reference on the nature and duration of the voluntary service. The reference details the services rendered by the volunteer and his or her conduct during the period of voluntary service. The reference must indicate the vocational skills acquired during the federal voluntary service.

Section 12

Data protection

The places of assignment, central offices and agencies may process the personal data referred to in section 8 (1) sentence 2 where this is necessary in the implementation of this Act. The data must be erased upon conclusion of the federal voluntary service.

Section 13

Application of labour-law, health and safety at work, and other provisions

(1) Health and safety at work provisions, the Youth Employment Protection Act (*Jugendarbeitsschutzgesetz*) and the Federal Leave Act (*Bundesurlaubsgesetz*) apply *mutatis mutandis* to activities undertaken in the context of the federal voluntary service within the meaning of this Act.

(2) Where no social insurance rule expressly applies, the same provisions of social insurance law apply *mutatis mutandis* to the federal voluntary service as apply to the youth voluntary service in accordance with the Youth Voluntary Service Act. For the rest, the following provisions apply *mutatis mutandis*:

1. section 3 of the Ordinance on Special Leave (*Sonderurlaubsverordnung*),
2. section 45 (3) sentence 1 (c) of the Federal War Victims' Compensation Act (*Bundesversorgungsgesetz*),
3. section 1 (1) no. 2 (h) of the Ordinance on Compensation for Public Passenger Transport Services By Road (*Verordnung über den Ausgleich gemeinwirtschaftlicher Leistungen im Straßenverkehr*),
4. section 1 (1) no. 2 (h) of the Ordinance on Compensation for Public Passenger Transport Services By Rail (*Verordnung über den Ausgleich gemeinwirtschaftlicher Leistungen im Eisenbahnverkehr*).

Section 14

Competent federal authority

(1) Unless this Act provides otherwise, it is executed by the federal administrative authorities. Responsibility for execution is transferred to the Federal Office for the Alternative Civilian Service as an independent higher federal authority, which is to be designated 'Federal Office of Family Affairs and Civil Society Functions' (Federal Office) and is subordinate to the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth.

(2) The Federal Office may be assigned additional tasks.

Section 15

Advisory Council for the Federal Voluntary Service

(1) An advisory council is to be set up for the federal voluntary service at the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth. The advisory council advises the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth on matters concerning the federal voluntary service.

(2) The advisory council comprises

1. up to seven federal spokespeople representing the volunteers,
2. up to seven representatives of the central offices,
3. one representative each of the Protestant Church and of the Catholic Church,

4. one representative each of the trade unions and of the employers' associations,
5. four representatives of the *Länder* and
6. one representative of the leading local government associations.

(3) As a general rule, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth appoints the members of the advisory council for a period of four years. The offices referred to in subsection (2) are, as a rule, to submit recommendations to that end. The members referred to in subsection (2) no. 1 are to be appointed for the duration of their voluntary service. A personal deputy is appointed for each member.

(4) The meetings of the advisory council are convened and chaired by the representative appointed therefor by the Federal Minister for Family Affairs, Senior Citizens, Women and Youth.

Section 16 Assignment of tasks

The places of assignment, central offices and agencies may, with their agreement, be assigned tasks to perform. Reasonable costs arising in this context may be reimbursed.

Section 17 Costs

(1) Where the volunteers receive board, lodging and work clothes or commensurate financial compensation, the places of assignment provide these benefits in money and in kind on behalf of the Federation at their own expense. They bear the administrative costs arising from employing the volunteers.

(2) The places of assignment pay the volunteers pocket money on the Federation's behalf if payment of pocket money has been agreed. The places of assignment must comply with the notification, recording and payment requirements set out in social security legislation. The places of assignment carry the costs of the training and guidance provided to volunteers.

(3) The places of assignment are reimbursed for the pocket money, social security contributions, and training and guidance from funding made available in the budget; the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, in consultation with the Federal Ministry of Finance, sets standardised ceilings for this reimbursement. The grant towards expenses incurred providing the educational guidance to volunteers is set in accordance with guidelines set by the Federation applicable to the Voluntary Social Year in Germany (*Freiwilliges Soziales Jahr*, FSJ).

Section 18 (repealed)