

## Instruction and Declaration

According to No. 2.2 of the Decision Taken by the Baden-Württemberg State Parliament Regarding the Obligation to Be Loyal to the Constitution in the Civil Service Sector on October 02, 1973 (StAnz. No. 86, p. 4, GABl., p. 950).

### I. Instruction

According to Article 33, par. 1, Civil Servant Status Act (BeamtStG), and according to Article 8 of the State Judges Act (LRiG) in association with Article 33, par. 1, BeamStG, civil servants and judges shall be obliged to commit to the free democratic basic order in the sense of the basic law by their conduct and to advocate its observation. According to Article 7, par. 1, No. 2, BeamStG, and according to Article 9, No. 2, German Judges Act, only those individuals may be appointed civil servant or judge, who guarantee that they will always defend the free democratic basic order.

The same political loyalty obligations shall apply to employees according to Art. 3, par. 1, clause 2 of the Collective Agreement for the Civil Service Sector of the States (TV-L).

According to the legal practice of the Federal Constitutional Court (cf. judgment of October 23, 1952, reference no. 1 BvB 1/51, collection of decisions of the Federal Constitutional Court, vol. 2, pp. 1; judgment of August 17, 1956, ref. no. 1 BvB 2/51, collection of decisions of the Federal Constitutional Court, vol. 5, pp. 85), the free democratic basic order in the sense of the basic law is an order excluding any tyranny and despotism and based on the self-determination of the people according to the will of the respective majority and freedom and equality. The free democratic basic order is the opposite of a totalitarian state that rejects human dignity, freedom, and equality as excluding power. The free democratic basic order is based on the following principles in particular:

Respect of the human rights outlined in the basic law, above all of the right to life and to the freedom to develop one's own personality,  
sovereignty of the people,  
separation of powers,  
responsibility of the government,  
legality of administration,  
independence of the courts,  
the multi-party principle,  
equal opportunities of all political parties,  
and the right to constitutional education and exercise of opposition.

Participation in efforts directed against the free democratic basic order characterized by the above principles shall be inconsistent with the obligations of an employee in the civil service sector. In this connection, it shall be of no relevance whether these efforts are pursued within the framework of an organization or outside.

Applicants for posts in the civil service sector, who take part in anti-constitutional efforts or support them, must not be employed. The same shall apply to employees.

Civil servants and judges committing such a violation of obligations have to expect disciplinary proceedings with the objective of their elimination from the service. Employees have to expect an extraordinary notice of dismissal according to Article 626 of the Civil Code (BGB) in these cases.

### II. Declaration

Based on the above instruction, I expressly declare that I affirm the above principles of the free democratic basic order in the sense of the basic law and that I will always be prepared to commit to the free democratic basic order in the sense of the basic law by my conduct and to support its observation.

I expressly assure that I do not support any efforts directed against the free democratic basic order or against one of its basic principles above and that I am not a member of an organization directed against the free democratic basic order.

I am aware of the fact that I have to expect elimination from my service in case of a violation of these service and loyalty obligations.

.....  
(Place)

.....  
(Date)

.....  
(Signature)