

To facilitate the hiring process for international staff, we provide the following documents in English and recommend that you use them as fill-in help for the German forms. However, you must fill in and sign the German forms

If you do not understand the questions and explanations in either the German or the English forms, feel free to ask your recruiter in the HR department. Further information in English on the German social insurance system can be found on the websites of Euraxess (http://www.euraxess.de/portal/Incoming_en.html) or Make it in Germany (<http://www.make-it-in-germany.com/en/living/guide-to-living-in-germany/>).

**Minutes of the
formal commitment of persons without civil-servant status**

Negotiated

Siegen,

Before the undersigned appeared today for obligation purposes under Section 1 of the Act on the Formal Obligation of Persons without Civil Servant of 2 March 1974 (BGBl. Status I p. 547)

Ms/Mr

The person appearing was obliged to comply with her/his obligations in a conscientious manner. She/he was informed about the content of the following penal provisions of the German Criminal Code:

Section 133, para 3	- Destruction of materials under official
Section 201, para 3	- Violation of the privacy of the spoken
Section 203, para 2, 4, 5	- Violation of private secrets
Section 204	- Exploitation of the secrets of another,
Sections 331, 332	- Taking advantages and taking bribes meant as an incentive for violating one's official duties,
Section 353b	- Breach of official secrets and special duties of confidentiality,
Section 358	- Ancillary measures,
Section 97b (2) in connection with Sections 94 to 97	- Disclosure based on mistaken assumption that secret is illegal,
Section 120, para 2	- Facilitating escape of prisoners,
Section 355	- Violation of the tax secret.

The person appearing was informed that the above-specified penal provisions apply to her/him due to the obligation.

She/he now declares having been instructed about the content of the above-specified provisions. She/he signs this protocol after reading out for signing the approval and also confirms receipt of a copy of the minutes and the above-specified provisions.

read out and approved

.....
Signature of the committing person

.....
Signature of the committed person

**Section 133 StGB (*Strafgesetzbuch* =
German Criminal Code)
Destruction of materials under official
safekeeping**

(3) Whosoever commits the offence in relation to an object which has been entrusted to or made accessible to him as a public official or a person entrusted with special public service functions shall be liable to imprisonment not exceeding five years or a fine.

**Section 201
Violation of the privacy of the spoken
word**

(3) Whosoever, as a public official or a person entrusted with special public service functions violates the privacy of the spoken word (subsections (1) and (2) above) shall be liable to imprisonment not exceeding five years or a fine.

**Section 203
Violation of private secrets**

(2) Whosoever unlawfully discloses a secret of another, in particular, a secret which belongs to the sphere of personal privacy or a business or trade secret, which was confided to or otherwise made known to him in his capacity as a

1. public official;
2. person entrusted with special public service functions;
3. person who exercises duties or powers under the law on staff employment representation;
4. member of an investigative committee working for a legislative body of

the Federation or a state, another committee or council which is not itself part of the legislative body, or as an assistant for such a committee or council or

5. publicly appointed expert who is formally obliged by law to conscientiously fulfil his duties,

shall incur the same penalty. Particular statements about personal or material relationships of another which have been collected for public administration purposes shall be deemed to be equivalent to a secret within the meaning of the 1st sentence above; the 1st sentence above shall not apply to the extent that such particular statements are made known to other public authorities or other agencies for public administration purposes unless the law forbids it.

(4) Subsections (1) to (3) above shall also apply if the offender unlawfully discloses the secret of another person after the death of that person.

(5) If the offender acts for material gain or with the intent of enriching himself or another or of harming another the penalty shall be imprisonment not exceeding two years or a fine.

Section 204 **Exploitation of the secrets of another**

(1) Whosoever unlawfully exploits the secret of another, in particular a business or trade secret, which he is obliged to keep secret pursuant to section 203, shall be liable to imprisonment not exceeding two years or a fine.

(2) Section 203(4) shall apply mutatis mutandis.

Section 331 **Taking advantages**

(1) A public official or a person entrusted with special public service functions who demands, allows himself to be promised or accepts a benefit for himself or for a third person for the discharge of an official duty shall be liable to imprisonment not exceeding three years or a fine.

(2) A judge or arbitrator who demands, allows himself to be promised or accepts a benefit for himself or a third person in return for the fact that he performed or will in the future perform a judicial act shall be liable to imprisonment not exceeding five years or a fine. The attempt shall be punishable.

(3) The offence shall not be punishable under subsection (1) above if the offender allows himself to be promised or accepts a benefit which he did not demand and the competent public authority, within the scope of its powers, either previously authorises the acceptance or the offender promptly makes a report to it and it authorises the acceptance.

Section 332
Taking bribes meant as an incentive for violating
one's official duties

(1) A public official or person entrusted with special public service functions who demands, allows himself to be promised or accepts a benefit for himself or for a third person in return for the fact that he performed or will in the future perform an official act and thereby violated or will violate his official duties shall be liable to imprisonment from six months to five years. In less serious cases the penalty shall be imprisonment not exceeding three years or a fine. The attempt shall be punishable.

(2) A judge or an arbitrator, who demands, allows himself to be promised or accepts a benefit for himself or for a third person in return for the fact that he performed or will in the future perform a judicial act and thereby violated or will violate his judicial duties shall be liable to imprisonment from one to ten years. In less serious cases the penalty shall be imprisonment from six months to five years.

(3) If the offender demands, allows himself to be promised or accepts a benefit in return for a future act, subsections (1) and (2) above shall apply even if he has merely indicated to the other his willingness to

1. violate his duties by the act; or
2. to the extent the act is within his discretion, to allow himself to be influenced by the benefit in the exercise of his discretion.

Section 353b
Breach of official secrets and special duties of
confidentiality

Whosoever unlawfully discloses a secret which has been confided or become known to him in his capacity as

1. public official;
2. person entrusted with special public service functions or
3. person who exercises duties or powers under the law on staff employment representation;

and thereby causes a danger to important public interests, shall be liable to imprisonment not exceeding five years or a fine. If by the offence the offender has negligently caused a danger to important public interests he shall be liable to imprisonment not exceeding one year or a fine.

(2) Whosoever other than in cases under subsection (1) above unlawfully allows an object or information to come to the attention of another or makes it publicly known

1. which he is obliged to keep secret on the basis of a resolution of a legislative body of the Federation or a state or one of their committees; or
2. which he has been formally put under an obligation to keep secret by another official agency under notice of criminal liability for a violation of the duty of secrecy,

and thereby causes a danger to important public interests shall be liable to imprisonment not exceeding three years or a fine.

(3) The attempt shall be punishable.

(4) The offence may only be prosecuted upon authorisation. The authorisation shall be granted

1. by the president of the legislative body

- a. in cases under subsection (1) above if the secret became known to the offender during his service in or for a legislative body of the Federation or a state;
- b. in cases under subsection (2) No 1 above;

2. by the highest Federal public authority:

- a. in cases under subsection (1) above if the secret became known to the offender during his service in or for a public authority or in another official agency of the Federation or for such an agency;
- b. in cases under subsection (2) No 2 above if the offender was under put under obligation by an official agency of the Federation;

3. by the highest state public authority in all other cases under subsections (1) and (2) No 2 above.

Section 358 **Ancillary measures**

In addition to a sentence of imprisonment of at least six months for an offence under section 332, section 335, section 339, section 340, section 343, section 344, section 345(1) and (3), section 348, sections 352 to 353b(1), section 355 and section 357 the court may deprive the person of the capacity to hold public office (section 45(2)).

Section 97b
**Disclosure based on mistaken assumption that secret
is illegal**

(2) If the state secret was confided or made accessible to the offender in his capacity as a public official or soldier in the Armed Forces he shall also incur liability if he did not previously seek a remedy from a superior in government service, or in the case of a soldier from a superior disciplinary officer. This shall apply mutatis mutandis to persons entrusted with special public service functions and to persons under a duty within the meaning of section 353b(2).

Section 94
Treason

(1) Whosoever

1. communicates a state secret to a foreign power or one of its intermediaries; or
2. otherwise allows a state secret to come to the attention of an unauthorised person or to become known to the public in order to prejudice the Federal Republic of Germany or benefit a foreign power and thereby creates a danger of serious prejudice to the external security of the Federal Republic of Germany, shall be liable to imprisonment of not less than one year.

(2) In especially serious cases the penalty shall be imprisonment for life or imprisonment of not less than five years. An especially serious case will typically occur if the offender

1. abuses a position of responsibility which especially obliges him to safeguard state secrets; or
2. through the offence creates the danger of an especially serious prejudice to the external security of the Federal Republic of Germany.

Section 95
**Disclosure of state secrets with intent to cause
damage**

(1) Whosoever allows a state secret which has been kept secret by an official authority or at its behest to come to the attention of an unauthorised person or become known to the public, and thereby creates the danger of serious prejudice to the external security of the Federal Republic of Germany, shall be liable to imprisonment from six months to five years unless the offence is punishable under section 94.

(2) The attempt shall be punishable.

(3) In especially serious cases the penalty shall be imprisonment from one to ten years. Section 94(2) shall apply.

Section 96
Treasonous espionage; spying on state secrets

(1) Whosoever obtains a state secret in order to disclose it (section 94) shall be liable to imprisonment from one to ten years.

(2) Whosoever obtains a state secret which has been kept secret by an official agency or at its behest in order to disclose it (section 95) shall be liable to imprisonment from six months to five years. The attempt shall be punishable.

Section 97
Disclosure of state secrets

(1) Whosoever allows a state secret which has been kept secret by an official authority or at its behest to come to the attention of an unauthorised person or become known to the public, and thereby creates the danger of serious prejudice to the external security of the Federal Republic of Germany, shall be liable to imprisonment not exceeding five years or a fine.

(2) Whosoever by gross negligence allows a state secret which has been kept secret by an official agency or at its behest and which was accessible to him by reason of his public office, government position

or assignment given by an official authority, to come to the attention of an unauthorised person, and thereby negligently causes the danger of serious prejudice to the external security of the Federal Republic of Germany, shall be liable to imprisonment not exceeding three years or a fine.

(3) The offence may only be prosecuted upon authorisation of the Federal Government.

Section 120
Facilitating escape of prisoners

(2) If the offender is under a duty as a public official or a person entrusted with special public service functions to prevent the escape of the prisoner the penalty shall be imprisonment not exceeding five years or a fine.

Section 355
Violation of the tax secret

(1) Whosoever unlawfully discloses or uses

1. circumstances of another which became known to him as a public official

- a. in an administrative proceeding or a judicial proceeding in tax matters;
- b. in a criminal proceeding because of a tax offence or in a proceeding to impose a summary fine because of a summary tax offence;
- c. on another occasion through a communication by a revenue authority or through the statutorily prescribed submission of a tax-assessment notice or a certificate concerning the findings made at the time of taxation; or

2. the business or trade secret of another that became known to him as a public official in one of the proceedings listed under No. 1 above shall be liable to imprisonment not exceeding two years or a fine.

(2) The following shall be equivalent to a public official in terms of subsection (1) above:

- a. persons entrusted with special public service functions;
- b. officially consulted experts; and
- c. those who hold offices in churches and other religious associations under public law.

(3) The offence may only be prosecuted upon request of the official superior or the victim. In the case of offences by officially consulted experts the head of the public authority whose proceeding has been affected shall be entitled to file a request apart from the victim.