

# **Members of the Bundestag Act**

## **- Extract -**

### **Act on the Legal Status of Members of the German Bundestag**

in the version promulgated on 21 February 1996 (Federal Law Gazette I p. 326),

as amended by Article 2 of the Act of 8 November 2011

(Federal Law Gazette I p. 2218)

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## **Part One**

### **Acquisition and loss of membership of the Bundestag**

#### **Section 1**

### **Acquisition and loss of membership of the Bundestag**

The acquisition and loss of membership of the Bundestag are governed by the provisions of the Federal Electoral Act.

## **Part Two**

### **Membership of the Bundestag and professional activity**

#### **Section 2**

### **Protection of the free exercise of an electoral mandate**

- (1) No one may be prevented from standing as a candidate for a mandate to serve as a Member of the Bundestag or from acquiring, accepting or holding such a mandate.
- (2) Discrimination at work on the grounds of candidature for or acquisition, acceptance and exercise of a mandate shall be inadmissible.
- (3) Termination of an employment contract or dismissal on grounds of the acquisition, acceptance or exercise of a mandate shall be inadmissible. In all other respects, termination of an employment contract shall only be permitted for a compelling reason. Protection against termination or dismissal shall take effect on the selection of the candidate by the relevant party organ or on submission of the list of nominated candidates. It shall continue to apply for one year after the end of the Member's term of office.

**Section 3**  
**Election leave**

During the two months immediately prior to polling day, a candidate for a seat in the Bundestag shall be granted leave of up to two months on request for the purpose of preparing for the election. There shall be no entitlement to continued payment of emoluments during the period of leave.

**Part Three**  
**Legal status of public servants elected to the Bundestag**

**Section 5**  
**Suspension of the rights and duties arising from employment in the public service**

(1) With the exception of the duty of confidentiality and the obligation to refrain from accepting rewards and gifts, the rights and duties arising from salaried membership of the permanent civil service shall be suspended from the date on which the election result was established by the Federal Electoral Committee (first sentence of section 42(2) of the Federal Electoral Act), or on which a permanent civil servant accepted his or her mandate, for the period of his or her term of office. The same shall apply where a Member of the Bundestag is appointed to such a position in the public service from the date on which the appointment takes effect. The civil servant shall be entitled to use his or her official title or grade with the addition of the word "retired" ("*außer Dienst*", "*a.D.*"). The foregoing provisions shall be without prejudice to the right to treatment and compensation of civil servants who have been injured in an accident. The first sentence above shall apply for a period not extending beyond the civil servant's voluntary or compulsory retirement.

[...]

**Part Ten**  
**Independence of Members of the Bundestag**

**Section 44a**  
**Exercise of the mandate**

(1) The exercise of the mandate of a Member of the Bundestag shall be central to his or her activity. Without prejudice to this obligation, activities of a professional or other nature alongside the exercise of the mandate are permissible in principle.

[...]

**Part Eleven**  
**Parliamentary groups**

**Section 45**  
**Creation of a parliamentary group**

- (1) Members of the Bundestag may form themselves into parliamentary groups.
- (2) Further details are provided by the Rules of Procedure of the German Bundestag.

**Section 46**  
**Legal status**

- (1) The parliamentary groups are associations of Members of the German Bundestag with legal capacity.
- (2) The parliamentary groups may sue and be sued.
- (3) The parliamentary groups do not form part of the public administration; they do not exercise governmental authority.

## **Section 47**

### **Duties**

- (1) The parliamentary groups shall assist in the performance of the duties of the German Bundestag.
- (2) The parliamentary groups may work together with parliamentary groups or parties in other parliaments and with parliamentary institutions both nationally and internationally.
- (3) The parliamentary groups and their members may inform the public of their activities.

## **Section 48**

### **Organisation**

- (1) The parliamentary groups are under an obligation to arrange their organisational structure and working methods in accordance with the principles of parliamentary democracy and to align them with the said principles.
- (2) The parliamentary groups shall enact their own Rules of Procedure.

## **Section 54**

### **Termination of legal status and liquidation**

- (1) The legal status conferred by section 46 of this Act shall cease to apply
  1. on the loss of parliamentary-group status,
  2. on the dissolution of the parliamentary group,
  3. at the end of the electoral term.

[...]