

BASIC LAW for the Federal Republic of Germany

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(Promulgated by the Parliamentary Council on 23 May 1949)
(as Amended by the Unification Treaty of 31 August 1990 and Federal Statute of 23 September 1990)

The following is a letter from President Richard von Weizsaecker concerning the Basic Law for the Federal Republic of Germany. It is not part of the Basic Law but is interesting reading:

Foreword by the Federal President

For more than forty years, the Basic Law has determined the development of the polity of the Federal Republic of Germany. In its area of application, it has bestowed on the citizens a life in liberty, democratic self-determination and personal responsibility, protected by law and justice.

This political order is the freest the Germans have enjoyed in their history to date. For decades, the division of Germany prevented the entire German people from living in such freedom.

On October 3, 1990, we accomplished the unity and liberty of Germany in free self-determination. Thus all Germans now live under a constitution which protects the dignity and basic rights of man, regulates public life and facilitates peaceful change. No constitution, of course, can endow us with the ability to achieve such things. We ourselves must give life to it. We are the ones who must recognize and address new challenges, not least when it comes to forging human links between east and west in a united land.

For the first time in centuries, we Germans are no longer a source of strife on the agenda of Europe. Our unification was not forced on Europe; rather, it was achieved in peaceful agreement. It is part of a common historical development, one which assures nations their liberty and which can overcome the division of our continent. We Germans in particular want to contribute resolutely to this process and have a special obligation to do so. Our unity is dedicated to it. In doing so, we fulfill the mandate of our constitution together.

Richard von Weizsacker

BASIC LAW for the Federal Republic of Germany

PREAMBLE

(amended by Unification Treaty, 31 August 1990 and federal statute of 23 September 1990, Federal Law Gazette II p. 885).

Conscious of their responsibility before God and Men, Animated by the resolve to serve world peace as an equal partner in a united Europe, the German people have adopted, by virtue of their constituent power, this Basic Law.

The Germans in the Laender of Baden-Wuerttemberg, Bavaria, Berlin, Brandenburg, Bremen, Hamburg, Hesse, Lower Saxony, Mecklenburg-Western Pomerania, North-Rhine-Weststphalia, Rhineland-Paltinate, Saarland, Saxony, Saxony-Anhalt, Schleswig-Holstein, and Thuringia have achieved the unity and freedom of Germany in free self-determination. This Basic Law is thus valid for the entire German People.

1. BASIC RIGHTS

Article 1 (Protection of human dignity).

1. The dignity of man inviolable. To respect and protect it is the duty of all state authority.
2. The German people therefore acknowledge inviolable and inalienable human rights as the basis of every community, of peace and of justice in the world.
3. The following basic rights bind the legislature, the executive and the *****

Article 2 (Rights of liberty).

1. Everyone has the right to the free development of his personality insofar as he does not violate the rights of others or offend against the constitutional order or the moral code.
2. Everyone has the right to life and to inviolability of his person. The freedom of the individual is inviolable. These rights may only be encroached upon pursuant to a law.

Article 3 (Equality before the law).

1. All persons are equal before the law.
2. Men and women have equal rights.
3. No one may be prejudiced or favored because of his sex, his parentage, his race, his language, his homeland and origin, his faith or his religious or political opinions.

Article 4 (Freedom of faith, of conscience and of creed).

1. Freedom of faith and of conscience, and freedom of creed religious or ideological, are inviolable.
2. The undisturbed practice of religion is guaranteed.
3. No one may be compelled against his conscience to render war service as an armed combatant. Details will be regulated by a Federal law.

Article 5 (Freedom of expression).

1. Everyone has the right freely to express and to disseminate his opinion by speech, writing and pictures and freely to inform himself from generally accessible sources. Freedom of the press and freedom of reporting by radio and motion pictures are guaranteed. There shall be no censorship.
2. These rights are limited by the provisions of the general laws, the provisions of law for the protection of youth and by the right to inviolability of personal honor.
3. Art and science, research and teaching are free. Freedom of teaching does not absolve from loyalty to the constitution.

Article 5 (Freedom of expression).

1. Marriage and family enjoy the special protection of the state.
2. Care and upbringing of children are the natural right of the parents and a duty primarily incumbent on them. The state watches over the performance of this duty.
3. Separation of children from the family against the will of the persons entitled to bring them up may take place only pursuant to a law, if those so entitled fail in their duty or if the children are otherwise threatened with neglect.
4. Every mother is entitled to the protection and care of the community.
5. Illegitimate children shall be provided by legislation with the same opportunities for their physical and spiritual development and their position in society as are enjoyed by legitimate children.

Article 7 (Education).

1. The entire education system is under the supervision of the state.
2. The persons entitled to bring up a child have the right to decide whether they shall receive religious instruction.
3. Religious instruction forms part of the ordinary curriculum in state and municipal schools, excepting secular schools. Without prejudice to the state's right of supervision, religious instruction is given in accordance with the tenets of the religious communities. No teacher may be obliged against his will to give religious instruction.
4. The right to establish private schools is guaranteed. Private schools as a substitute for state or municipal schools, require the approval of the state and are subject to the laws of the Laender. This approval must be given if private schools are not inferior to the state or municipal schools in their educational aims, their facilities and the professional training of their teaching staff, and if a segregation of the pupils according to the means of the parents is not promoted. This approval must be withheld if the economic and legal position of the teaching staff is not sufficiently assured.
5. A private elementary school shall be admitted only if the educational authority finds that it serves a special pedagogic interest or if, on the application of persons entitled to bring up children, it is to be established as an interdenominational or denominational or ideological school and a state or municipal elementary school of this type does not exist in the community
6. Preparatory schools remain abolished.

Article 8 (Freedom of assembly).

1. All Germans have the right to assemble peacefully and unarmed without prior notification or permission.
2. With regard to open-air meetings this right may be restricted by or pursuant to a law.

Article 9 (Freedom of association).

1. All Germans have the right to form associations and societies.
2. Associations, the objects or activities of which conflict with the criminal laws or which are directed against the constitutional order or the concept of international understanding, are prohibited.
3. The right to form associations to safeguard and improve working and economic conditions is guaranteed to everyone and to all trades and professions. Agreements which restrict or seek to hinder this right are null and void; measures directed to this end are illegal.

*Article 10 (Privacy of letters, posts, and telecommunications).
(amended 24 June 1968)*

1. Privacy of letters, posts, and telecommunications shall be inviolable.
2. Restrictions may only be ordered pursuant to a statute. Where a restriction serves to protect the free democratic basic order or the existence or security of the Federation, the statute may stipulate that the person affected shall not be informed of such restriction and that recourse to the courts shall be replaced by a review of the case by bodies and auxiliary bodies appointed by Parliament.

Article 11 (Freedom of movement).

1. All Germans enjoy freedom of movement throughout the Federal territory.
2. This right may be restricted only by or pursuant to a statute, and only in cases in which an adequate basis of existence is lacking and special burdens would arise to the community, or in which the restriction is necessary to avert an imminent danger to the existence or the free democratic basic order of the Federation or a Land, to combat the danger of epidemics, to deal with natural disasters or particularly grave accidents, to protect young people from neglect or to prevent crime.

*Article 12 (Right to choose an occupation, prohibition of forced).
As amended March 19. 1956.*

1. All Germans have the right freely to choose their trade or profession their place of work and their place of training. The practice of trades and professions may be regulated by law.
2. No one may be compelled to perform a particular work except within the framework of a traditional compulsory public service which applies generally and equally to all. Anyone who refuses on conscientious grounds to render war service involving the use of arms may be required to render an alternative service. The duration of this alternative service shall not exceed the duration of military service. Details shall be regulated by a law which shall not prejudice freedom of conscience and shall provide also for the possibility of an alternative service having no connection with any unit of the Armed Forces.
3. Women shall not be required by law to render service in any unit of the Armed Forces. On no account shall they be employed in any service involving the use of arms.
4. Forced labor may be imposed only in the event that a person is deprived of his freedom by the sentence of a court.

*Article 12a (Liability to military and other service)
(added 24 June 1968)*

1. Men who have attained the age of 18 years may be required to serve in the Armed Forces, in the Federal Border Guard, or in a civil defense organization.
2. A person who refuses, on grounds of conscience, to render war service involving the use of arms may be required to render a substitute service. The duration of such substitute service shall not exceed the duration of military service. Details shall be regulated by a statute which shall not interfere with freedom to take a decision based on conscience and shall also provide for the possibility of a substitute service not connected with units of the Armed Forces or of the Federal Border Guard.
3. Persons liable to military service who are not required to render service pursuant to paragraph (1) or (2) of this Article may, during a state of defense (Verteidigungsfall), be assigned by or pursuant to a statute to an employment involving civilian services for defense purposes, including the protection of the civilian population; it shall, however, not be permissible to assign persons to an employment subject to public law except for the purpose of discharging police functions or such other functions of public administration as can only be discharged by persons employed under public law. Persons may be assigned to an employment -as referred to in the first sentence of this paragraph- with the Armed forces, including the supplying and servicing of the latter, or with public administrative authorities; assignments to employment connected with supplying and servicing the civilian population shall not be permissible except in order to meet their vital requirements or to guarantee their safety.
4. Where, during a state of defense, civilian service requirements in the civilian health system or in the stationary military hospital organization cannot be met on a voluntary basis, women between eighteen and fifty-five years of age may be assigned to such services by or pursuant to a statute. They may on no account render service involving the use of arms.
5. Prior to the existence of a state of defense, assignments, under paragraph 3 of this Article may only be made where the requirements of paragraph 1 of Article 80a are satisfied. It shall be admissible to require persons by or pursuant to a statute to attend training courses in order to prepare them for the performance of such services in accordance with paragraph 3 of this Article as require special knowledge or skills. To this extent, the first sentence of this paragraph shall not apply.
6. Where, during a state of defense, staffing requirements for the purposes referred to in the second sentence of paragraph 3 of this Article cannot be met on a voluntary basis, the right of a German to quit the pursuit of his occupation or quit his place of work may be restricted by or pursuant to a statute in order to meet these requirements. The first sentence of paragraph 5 of this Article shall apply *mutatis mutandis* prior to the existence of a state of defense.

Article 13 (Inviolability of the home).

1. The home is inviolable.
2. Searches may be ordered only by a judge or, in the event of danger in delay, by other organs as provided by law and may be carried out only in the form prescribed by law.
3. Otherwise, this inviolability may be encroached upon or restricted only to avert a common danger or a mortal danger to individuals, or, pursuant to a law, to prevent imminent danger to public security and order, especially to alleviate the housing shortage, to combat the danger of epidemics or to protect endangered juveniles.

Article 14 (Property, right of inheritance, taking of property)

1. Property and the rights of inheritance are guaranteed. Their content and limits are determined by the laws.

2. Property imposes duties. Its use should also serve the public weal.
3. Expropriation is permitted only in the public weal. It may take place only by or pursuant to law which provides for kind and extent of the compensation. The compensation shall be determined upon just consideration of the public interest and of the interests of the persons affected. In case of dispute regarding the amount of compensation, recourse may be had to the ordinary courts.

Article 15 (Socialization).

Land, natural resources and means of production may for the purpose of socialization be transferred into public ownership or other forms of publicly controlled economy by a law which provides for kind and extent of the compensation. With respect to such compensation Article 14, para. 3, sentences 3 and 4, apply mutatis mutandis.

Article 16 (Deprivation of citizenship, extradition, right of asylum).

1. No one may be deprived of his German citizenship. Loss of citizenship may arise only pursuant to a law, and against the will of the person affected it may arise only if such person does not thereby become stateless.
2. No German may be extradited to a foreign country. Persons persecuted for political reasons enjoy the right of asylum

Article 17 (Right of petition).

Everyone has the right individually or jointly with others to address written requests or complaints to the competent authorities and to the representative assemblies.

Article 17a (Restriction of individual basic rights through legislation enacted for defense purposes and concerning substitute service).

As amended March 19 1956.

1. Laws concerning military services and alternative service may by provisions applying to members of the Armed Forces and of alternative services during their period of military or alternative service, restrict the basic right freely to express and to disseminate opinions by speech, writing, and pictures (Article 5, paragraph (1) first half-sentence), the basic right of assembly (Article 9), and the right of petition Article 17) insofar as it permits to address requests or complaints jointly with others.
2. Laws for defense purposes, including the protection of the civilian population may provide for the restriction of the basic rights of freedom of movement (Article 11) and inviolability of the home (Article 13).

Article 18 (Forfeiture of basic rights).

Whoever abuses freedom of opinion, in particular freedom of the press (Article 5, paragraph 1) freedom of teaching (Article 5, paragraph 3), freedom of assembly (Article 8), freedom of association (Article 9), the secrecy of mail posts and telecommunications (Article 10), property (Article 14), or the right of asylum (Article 16, paragraph 2) in order to attack the free democratic basic order, forfeits these basic rights. The forfeiture and its extent are pronounced by the Federal Constitutional Court.

Article 19 (Restriction of Basic Rights).

1. Insofar as under this Basic Law a basic right may be restricted by or pursuant to a law, the law must apply generally and not solely to an individual case. Furthermore the law must name the basic right, indicating the Article.
2. In no case may a basic right be infringed upon in its essential content.
3. The basic rights apply also to corporations established under German Public law to the extent that the nature of such rights permits.
4. Should any person's right be violated by public authority, recourse to the court shall be open to him. If no other court has jurisdiction, recourse shall be to the ordinary courts.

II THE FEDERATION AND THE LAENDER

Article 20 (Basic principles of state order, right to resist).

1. The Federal Republic of Germany is a democratic and social Federal state.
2. All state authority emanates from the people. It is exercised by the people by means of elections and voting and by separate legislative, executive and judicial organs.
3. Legislation is subject to the constitutional order; the executive and the judiciary are bound by the law.
4. All Germans shall have the right to resist any person seeking to abolish this constitutional order, should no other remedy be possible. *(inserted 24 June 1968)*

Article 21 (Political Parties).
(amended 21 December 1983)

1. The political parties participate in the forming of the political will of the people. They may be freely established. Their internal organization shall conform to democratic principles. They shall publicly account for the sources of their funds and for their assets.
2. Parties which, by reason of their aims or the behavior of their adherents, seek or impair or destroy the free democratic basic order or to endanger the existence of the Federal Republic of Germany shall be unconstitutional. The Federal Constitutional Court decides on the question of unconstitutionality.
3. Details will be regulated by Federal legislation.

Article 22.

The Federal flag is black-red-gold.

Article 23
(Repealed 31 August 1990, Unification Treaty and federal statute of 23 September 1990).

Article 24 (Entry into a collective security system)

1. The Federation may, by legislation, transfer sovereign powers to international institutions.
2. For the maintenance of peace, the Federation may join a system of mutual collective security; in doing so it will consent to such limitations upon its sovereign powers as will bring about and secure a peaceful and lasting order in Europe and among the nations of the world.
3. For the settlement of disputes between nations, the Federation will accede to agreements concerning a general, comprehensive and obligatory system of international arbitration.

Article 25 (Public international law and federal law)

The general rules of public international law form part of the Federal law. They take precedence over the laws and directly create rights and duties for the inhabitants of the Federal territory.

Article 26 (Ban on preparing a war of aggression)

1. Activities tending and undertaken with the intent to disturb peaceful relations between nations, especially to prepare for aggressive war, are unconstitutional. They shall be made a punishable offense.
2. Weapons designed for warfare may be manufactured, transported or marketed only with the permission of the Federal Government. Details will be regulated by a Federal Law.

Article 27 (Merchant fleet)

All German merchant vessels form one merchant fleet.

Article 28 (Federal guarantee concerning Laender constitutions, guarantee of self-government for local authorities)

1. The constitutional order in the Laender must conform to the principles of republican, democratic, and social government based on the rule of law, within the meaning of this Basic Law. In each of the Laender, counties and communities, the people must be represented by a body chosen in universal, direct, free, equal and secret elections- In the communities the assembly of the community may take the place of an elected body.
2. The communities must be guaranteed the right to regulate on their own responsibility all the affairs of the local community within the limits set by law. The associations of communities also have the right of self- government in accordance with the law within the limits of the functions given them by law.
3. The Federation guarantees that the constitutional order of the Laender conforms to the basic rights and to the provisions of paragraphs (1) and (2).

*Article 29 (New delimitation of Laender boundaries)
(Amended 19 August 1969 and 23 August 1976)*

1. A new delimitation of federal territory may be made to ensure that the Laender by the size and capacity are able effectively to fulfill the functions incumbent upon them. Due regard shall be given to regional, historical and cultural ties, economic expediency, and the requirements of regional policy and planning.
2. Measures for a new delimitation of federal territory shall be effected by federal statutes which shall require confirmation by referendum. The Laender thus affected shall be consulted.
3. A referendum shall be held in the laender from whose territories or partial territories a new Land or a Land which redefined boundaries is to be formed (affected Laender). The referendum shall be held on the question whether the affected Laender are to remain within their existing boundaries or whether the new Land or Land with redefined boundaries should be formed. The referendum shall be deemed to be in favor of the formation of a new Land or of a Land with redefined boundaries where approval is given to the change by a majority in all the territories or partial territories of an affected Land whose assignment to a Land is to be changed in the same sense. The referendum shall be deemed not to be in favor where change; such rejection shall, however, be of no consequence where in one part of the territory whose assignment of the affected Land is to be changed a majority of two-thirds

approve of the change, unless in the entire territory of the affected Land a majority of two-thirds reject the change.

4. Where in a clearly definable area of interconnected population and economic settlement, the parts of which lie in several Laender and which has a population of at least one million, one tenth of those of its population entitled to vote in Bundestag elections petition by popular initiative for the assignment of that area to one Land, provision shall be made within two years in a federal statute determining whether the delimitation of the affected Laender shall be changed pursuant to paragraph 2 of this Article or determining that a plebiscite shall be held in the affected Laender.
5. The plebiscite shall establish whether approval is given to a change of Laender delimitation to be proposed in the statute. The statute may put forward different proposals, not exceeding two in number, for the plebiscite. Where approval is given by a majority to a proposed change of Laender delimitation, provision shall be made within two years in a federal statute determining whether the delimitation of the Laender concerned shall be changed pursuant to paragraph 2 of this Article. Where approval is given, in accordance with the third and fourth sentences of paragraph 3 of this Article, to a proposal put forward for the plebiscite, a federal statute providing for the formation of the proposed Land shall be enacted within two years of the plebiscite and shall no longer require confirmation by referendum.
6. A majority in a referendum or in a plebiscite shall consist of a majority of the votes cast, provided that they amount to at least one quarter of the population entitled to vote in Bundestag elections. Other detailed provisions concerning referendums, popular petitions and plebiscites (Volksentscheide, Volksbefragungen) shall be made in a federal statute; such statute may also provide that popular petitions may not be repeated within a period of five years.
7. Other changes concerning the territory of the Laender may be effected by state agreements between the Laender concerned or by a federal statute with the approval of the Bundesrat where the territory which is to be the subject of a new delimitation does not have more than 10,000 inhabitants. Detailed provision shall be made in a federal statute requiring the approval of the Bundesrat and the majority of the members of the Bundestag. It shall make provision for the affected communes and districts to be heard.

Article 30 (Distribution of competence between the Federation and the Laender)

The exercise of governmental powers and the discharge of governmental functions is incumbent on the Laender insofar as this Basic Law does not otherwise prescribe or permit.

Article 31

Federal law overrides Land law.

Article 32 (Foreign Relations)

1. The conduct of relations with foreign states is the concern of the Federation.
2. Before the conclusion of a treaty affecting the special interests of a Land, this Land must be consulted in sufficient time.
3. Insofar as the Laender have power to legislate, they may, with the consent of the Federal Government, conclude treaties with foreign states.

Article 33 (Equal political status of all Germans, professional civil service)

1. Every German has in every Land the same civil rights and duties.

2. Every German is equally eligible for any public office according to his aptitude, qualifications and professional achievements.
3. Enjoyment of civil and civic rights eligibility for public office, and rights acquired in the public service are independent of religious denomination. No one may suffer disadvantage by reason of his adherence or non-adherence to a denomination or ideology.
4. The exercise of state authority as a permanent function shall as a rule be entrusted to members of the public service whose status, service and loyalty are governed by public law.
5. The law of the public service shall be regulated with due regard to the traditional principles of the permanent civil service.

Article 34 (Liability in the event of a breach of official duty)

If any person, in the exercise of a public office entrusted to him, violates his official obligations to a third party, liability rests in principle on the state or the public authority which employs him. In the case of willful intent or gross carelessness the right of recourse is reserved. With respect to the claim for compensation or the right of recourse, the jurisdiction of the ordinary courts must not be excluded.

Article 35 (Legal and administrative assistance, assistance during disasters)

1. All Federal and Land authorities render each other mutual legal and administrative assistance.
2. In order to maintain or to restore public security or order, a Land may, in cases of particular importance, call upon forces and facilities of the Federal Border Guard to assist its police where without this assistance the police could not, or only with considerable difficulty, fulfill a task. In order to deal with a natural disaster or as especially grave accident, a Land may request the assistance of the police forces of other Laender or of forces and facilities of other administrative authorities or of the Federal Border Guard or the Armed Forces. *(amended 28 July 1972)*
3. Where the natural disaster or the accident endangers a region larger than a Land, the Federal Government may, insofar as this is necessary to effectively deal with such danger, instruct the Land governments to place their police forces at the disposal of other Laender, and may use units of the Federal Border Guard or the Armed Forces to support the first sentence of this paragraph shall be revoked at any time at the demand of the Bundesrat, and otherwise immediately upon removal of the danger.

Article 36 (Personnel of the federal authorities)

As amended March 19, 1956

1. Civil servants employed in the highest Federal authorities shall be drawn from all Laender in appropriate proportion. Persons employed in other Federal authorities should, as a rule be drawn from the Land in which they serve.
2. Military laws shall take into account the division of the Federal Laender and the latter's particular ethnic conditions.

Article 37 (Federal coercion)

1. If a Land fails to comply with its obligations of a Federal character imposed by the Basic Law or another Federal law, the Federal Government may, with the consent of the Bundesrat, take the necessary measures to enforce such compliance by the Land by way of Federal compulsion.

2. To carry out such Federal compulsion the Federal Government or its commissioner has the right to give instructions to all Laender and their authorities.

THE LOWER HOUSE OF PARLIAMENT (BUNDESTAG)

Article 38 (Elections)

1. The deputies to the German Bundestag are elected in universal, direct, free, equal and secret elections. They are representatives of the whole people, are not bound by orders and instructions and are subject only to their conscience.
2. Anyone who has attained the age of twenty one is entitled to vote, anyone who has attained the age of twenty-five is eligible for election.
3. Details will be regulated by a Federal law.

Article 39 (Assembly and legislative term)

As amended 23 August 1976

1. The Bundestag is elected for a four-year term. Its legislative term ends with the assembly of a new Bundestag. The new election shall be held forty- five months at the earliest, and forty-seven months at the latest after the beginning of the legislative term. Where the Bundestag is dissolved, the new election shall be held within sixty days.
2. The Bundestag shall assemble, at the latest, on the thirtieth day after the election.
3. The Bundestag determines the termination and resumption of its meetings. The President of the Bundestag may convene it at an earlier date. He must do so if one-third of the members, the Federal President or the Federal Chancellor so demand.

Article 40 (President, rules of procedure)

1. The Bundestag elects its President, Vice-Presidents and Secretaries. It draws up its rules of procedure.
2. The President exercises the proprietary and police powers in the Bundestag building. No search or seizure may take place in the premises of the Bundestag without his permission.

Article 41 (Scrutiny of elections)

1. The scrutiny of elections is the responsibility of the Bundestag. It also decides whether a deputy has lost his seat in the Bundestag.
2. Against the decision of the Bundestag an appeal can be made to the Federal Constitutional Court.
3. Details will be regulated by a Federal law.

Article 42 (Proceedings, voting)

1. The meetings of the Bundestag are public. Upon a motion of one-tenth of its members, or upon a motion of the Federal Government, the public may, by a two-thirds majority vote, be excluded. The decision on the motion is taken at a meeting not open to the public.
2. Decisions of the Bundestag require a majority of votes cast unless this Basic law provides otherwise. For the elections to be made by the Bundestag the rules of procedure may provide exemptions.
3. True and accurate reports of the public meetings of the Bundestag and of its committees shall not give rise to any liability.

Article 43 (Presence of members of the Federal Government and of the Bundesrat)

1. The Bundestag and its committees may demand the presence of any member of the Federal Government.
2. The members of the Bundesrat and of the Federal Government as well as persons commissioned by them have access to all meetings of the Bundestag and its committees. They must be heard at any time.

Article 44 (Committees of investigation)

1. The Bundestag has the right, and upon the motion of one- fourth of its members the duty, to set up a committee of investigation which shall take the requisite evidence at public hearings. The public may be excluded.
2. The rules of criminal procedure shall apply mutatis mutandis to the taking of evidence. The secrecy of the mail, posts and telecommunications remains unaffected.
3. Courts and administrative authorities are bound to render legal and administrative assistance.
4. The decisions of the committees of investigation are not subject to judicial consideration. The courts are free to evaluate and judge the facts on which the investigation is based

Article 45

(Repealed, 23 August 1976)

Article 45a (Committees on Foreign Affairs and Defense)

Added March 19, 1956.

1. The Bundestag shall appoint a Committee on Foreign Affairs and a Committee on Defense. *(2nd sentence deleted, 23 Aug 1976)*
2. The Committee on Defense shall also have the rights of a committee on investigation. Upon the motion of one fourth of its members it shall have the duty to make a specific matter the subject of investigation.
3. Article 44 paragraph (1) shall not be applied in matters of defense.

Article 45b (Defense Commissioner of the Bundestag)

Inserted 17 July 1975

A Defense Commissioner of the Bundestag shall be appointed to safeguard the basic rights and to assist the Bundestag in exercising parliamentary control. Details shall be regulated by a federal statute.

Article 45c (Petitions Committee)

Inserted 17 July 1975

1. The Bundestag shall appoint a Petitions Committee to deal with requests and complaints addressed to the Bundestag pursuant to Article 17.
2. The powers of the Committee to consider complaints shall be regulated by federal statute.

Article 46 (Indemnity and immunity of deputies)

1. A deputy may not at any time be prosecuted in the courts or subjected to disciplinary action or otherwise called to account outside the Bundestag on account of a vote cast or an

utterance made by him in the Bundestag or one of its committees. This does not apply to defamatory insults.

2. A deputy may be called to account or arrested for a punishable offense only by permission of the Bundestag, unless he is apprehended in the commission of the offense or during the course of the following day.
3. The permission of the Bundestag is also necessary for any other restriction of the personal freedom of a deputy or for the initiation of proceedings against a deputy under Article 18.
4. Any criminal proceedings and any proceedings under Article 18 against a deputy, any detention and any other restriction of his personal freedom shall be suspended upon the request of the Bundestag.

Article 47 (Right of deputies to refuse to give evidence)

Deputies may refuse to give evidence concerning persons who have confided facts to them in their capacity as deputies or to whom they have confided facts in such capacity, as well as concerning these facts themselves. To the extent that this right to refuse to give evidence exists, no seizure of documents may take place.

Article 48 (Entitlements of deputies)

1. Any person seeking election to the Bundestag is entitled to the leave necessary for his election campaign.
2. No one may be prevented from accepting and exercising the office of deputy. He may not be dismissed from employment, with or without notice, on this ground.
3. Deputies are entitled to compensation adequate to ensure their independence. They are entitled to the free use of all state owned transport. Details will be regulated by a Federal Law.

Article 49

(Repealed, 23 August 1976)

IV. THE UPPER HOUSE OF PARLIAMENT (BUNDESRAT)

Article 50 (Functions)

The Laender participate through the Bundesrat in the legislation and administration of the Federation.

Article 51 (Composition)

1. The Bundesrat consists of members of the Laender governments which appoint and recall them. Other members of such governments may act as substitutes.
2. Each Land has at least three votes; Laender with more than two million inhabitants have four, Laender with more than seven million inhabitants, six votes (amended Unification Treaty of 31 August 1990).
3. Each Land may delegate as many members as it has votes. The votes of each Land may be cast only as a block vote and only by members present or their substitutes.

Article 52 (President, rules of procedure)

1. The Bundesrat elects its President for one year.

2. The President convenes the Bundesrat. He must convene it if the members for at least two Laender or the Federal Government so demand.
3. The Bundesrat takes its decisions by at least a majority of its votes. It draws up its rules of procedure. Its meetings are public. The public may be excluded.
4. Other members of, or persons Commissioned by, Laender governments may serve on the committees of the Bundesrat.

Article 53 (Presence of members of the Federal Government)

The members of the Federal Government have the right, and on demand the duty to take part in the debates of the Bundesrat and of its Committees. They must be heard at any time. The Bundesrat must be currently kept informed by the Federal Government of the conduct of affairs.

IVa. THE JOINT COMMITTEE

(Inserted by federal statute of 24 June 1968)

Article 53a (Composition, rules of procedure, right to information)

1. Two thirds of the members of the Joint Committee shall be deputies of the Bundestag and one third shall be members of the Bundesrat. The Bundestag shall delegate its deputies in proportion to the relative strength of its parliamentary groups; deputies shall not be members of the Federal Government. Each Land shall be represented by a Bundesrat member of its choice; these members shall not be bound by instructions. The establishment of the Joint Committee and its procedures shall be regulated by rules of procedure to be adopted by the Bundestag and requiring the consent of the Bundesrat.
2. The Federal Government shall inform the Joint Committee about its plans in respect of a state of Defense. The rights of the Bundestag and its committees under paragraph 1 of Article 43 shall remain unaffected by the provision of this paragraph.

V. THE FEDERAL PRESIDENT

Article 54 (Election)

1. The Federal President is elected, without debate, by the Federal Convention. Every German is eligible who is entitled to vote for the Bundestag and who has attained the age of forty.
2. The term of office of the Federal President is five years. Reelection for a consecutive term is permitted only once.
3. The Federal Convention consists of the members of the Bundestag and an equal number of members elected by the representative assemblies of the Laender according to the rules of proportional representation.
4. The Federal Convention meets not later than thirty days before the expiration of the term of office of the Federal President or, in the case of premature termination, not later than thirty days after this date. It is convened by the President of the Bundestag.
5. After expiration of the legislative term the period specified in paragraph 4, first sentence, begins with the first meeting of the Bundestag.
6. The person receiving the votes of the majority of the members of the Federal Convention is elected. If such majority is not obtained by any candidate in two ballots, the candidate who receives the largest number of votes in a further ballot is elected.
7. Details will be regulated by a Federal law.

Article 55 (Incompatibilities)

1. The Federal President may not be a member of the Government or of a legislative body of the Federation or of a Land.
2. The Federal President may not hold any other salaried office, nor engage in a trade, nor practice a profession, nor belong to the management or ends in any event on the first meeting of a new Bundestag, the tenure of office of a Federal Minister ends also on any other termination of the tenure of office of the Federal Chancellor.
3. At the request of the Federal President, the Federal Chancellor, or at the request of the Federal Chancellor or of the Federal President, a Federal Minister is bound to continue to transact the business of his office until the appointment of a successor.

Article 56 (Oath of office)

On assuming his office the Federal President takes the following oath before the assembled members of the Bundestag and the Bundesrat:

"I swear that I will dedicate my efforts to the well-being of the German people, enhance its benefits, ward harm from it, uphold and defend the Basic Law and the laws of the Federation, fulfill my duties conscientiously, and do justice to all. So help me God." The oath may also be taken without religious affirmation.

Article 57 (Representation)

If the Federal President is prevented from exercising his powers or if his office falls prematurely vacant his powers will be exercised by the President of the Bundesrat.

Article 58 (Countersignature)

Orders and decrees of the Federal President require for their validity the countersignature of the Federal Chancellor or the appropriate Federal minister. This does not apply to the appointment and dismissal of the Federal Chancellor, the dissolution of the Bundestag under Article 63 and the request under Article 69, paragraph 3.

Article 59 (Authority to represent the Federation in its international relations)

1. The Federal President represents the Federation in its international relations. He concludes treaties with foreign states on behalf of the Federation. He accredits and receives envoys.
2. Treaties which regulate the political relations of the Federation or relate to matters of Federal legislation require the consent or participation, in the form of a Federal law, of the bodies competent in any specific case for such Federal legislation. For administrative agreements the provisions concerning the Federal administration apply *mutatis mutandis*.

Article 59a (Repealed)

Article 60 (Appointment and dismissal of federal judges, federal civil servants and soldiers; right of pardon)

(As amended March 19 1956)

1. The Federal President appoints and dismisses the Federal judges the Federal civil servants, the officers and non-commissioned officers, unless otherwise provided for by law.

2. He exercises the power of pardon on behalf of the Federation in individual cases.
3. He may delegate these powers to other authorities.
4. Paragraphs 2 to 4 of Article 46 apply mutatis mutandis to the Federal President.

Article 61 (Impeachment before the Federal Constitutional Court)

1. The Bundestag or the Bundesrat may impeach the Federal President before the Federal Constitutional Court for willful violation of the Basic Law or any other Federal law. The motion for impeachment must be brought forward by at least one-fourth of the members of the Bundestag or one-fourth of the votes of the Bundesrat. The decision to impeach requires a majority of two-thirds of the members of the Bundestag or of two-thirds of the votes of the Bundesrat. The prosecution is conducted by a person commissioned by the impeaching body.
2. If the Federal Constitutional Court finds the Federal President guilty of a willful violation of the Basic Law or of another Federal law it may declare him to have forfeited his office. After impeachment, it may issue an interim order preventing the Federal President from exercising the powers of his office.

VI. THE FEDERAL GOVERNMENT

Article 62.

The Federal Government consists of the Federal Chancellor and the Federal Ministers.

Article 63 (Election and appointment of the Federal Chancellor)

1. The Federal Chancellor is elected, without debate, by the Bundestag on the proposal of the Federal President.
2. The person obtaining the votes of the majority of the members of the Bundestag is elected. The persons elected must be appointed by the Federal President.
3. If the person proposed is not elected, the Bundestag may elect within fourteen days of the ballot a Federal Chancellor by more than one-half of its members.
4. If there is no election within this period, a new ballot shall take place without delay in which the person obtaining the largest number of votes is elected. If the person elected obtained the votes of the majority of the members of the Bundestag the Federal President must appoint him within Seven days of the election. If the person elected did not receive this majority, the Federal President must within even days either appoint him or dissolve the Bundestag

Article 64 (Appointment of Federal Ministers)

1. The Federal Ministers are appointed and dismissed by the Federal President upon the proposal of the Federal Chancellor.
2. The Federal Chancellor and the Federal Ministers, on assuming office, take before the Bundestag the oath provided in Article 56.

Article 65 (Powers exercised in the Federal Government)

The Federal Chancellor determines and is responsible for general policy. Within the limits of this general policy, each Federal Minister conducts the business of his department autonomously and on his own responsibility. The Federal Government decides on differences of opinion between the Federal Ministers. The Federal Chancellor conducts the business of the Federal Government in accordance with rules of procedure adopted by it and approved by the Federal President.

Article 65a (Power of command over the Armed Forces)
Amended 24 June 1968

Power of command in respect of the Armed Forces shall be vested In the Federal Minister of Defense.

Article 66 (Incompatibilities)

The Federal Chancellor and the Federal Ministers may not hold any other salaried office, nor engage in a trade, nor practice a profession, nor belong to the management or, without the consent of the Bundestag, to the board of directors of an enterprise carried on for profit.

Article 67 (Constructive vote of no confidence)

1. The Bundestag can express its lack of confidence in the Federal Chancellor only by electing a successor by the majority of its members and by requesting the Federal President to dismiss the Federal Chancellor. The Federal President must comply with the request and appoint the person elected.
2. Forty-eight hours must elapse between the motion and the election.

Article 68 (Vote of confidence, dissolution of the Bundestag)

1. If a motion of the Federal Chancellor for a vote of no confidence is not assented to by the majority of the members of the Bundestag, the Federal President may, upon the proposal of the Federal Chancellor, dissolve the Bundestag within twenty-one days. The right to dissolve lapses as soon as the Bundestag by the majority of its members elects another Federal Chancellor.
2. Forty-eight hours must elapse between the motion and the vote thereon.

Article 69 (Deputy Federal Chancellor,tenure of office of members of the Federal Government)

1. The Federal Chancellor appoints a Federal Minister as his deputy.
2. The tenure of office of the Federal Chancellor or a Federal Minister

VII. LEGISLATIVE POWERS OF THE FEDERATION

Article 70 (Legislation of the Federation and the Laender)

1. The Laender have the power to legislate insofar as this Basic Law does not confer legislative powers on the Federation.
2. The division of competence between the Federation and the Laender is determined by the provisions of this Basic Law concerning exclusive and concurrent legislative powers.

Article 71 (Exclusive legislative power of the Federation, concept)

On matters within the exclusive legislative powers of the Federation the Laender have authority to legislate only if, and to the extent that, a Federal law explicitly so authorizes them .

Article 72 (Concurrent legislative power of the Federation, concept)

1. On matters within the concurrent legislative powers the Laender have authority to legislate as long as, and to the extent that the Federation does not use its legislative power.
2. The Federation has the right to legislate on these matters to the extent that a need for a Federal rule exists because
 - o a matter cannot be effectively dealt with by the legislation of individual Laender, or
 - o dealing with a matter by Land law might prejudice the interests of other Laender or of the entire community, or
 - o the maintenance of legal or economic unity, especially the maintenance of uniformity of living conditions beyond the territory of a Land necessitates it.

Article 73 (Exclusive legislative power, catalogue)

As amended 24 June 1968.

The Federation has the exclusive power to legislate on:

1. foreign affairs and defense, including the protection of the civilian population;
2. citizenship in the Federation;
3. freedom of movement, passports, immigration and emigration, and extradition;
4. currency, money and coinage, weights and measures, as well as computation of time;
5. the unity of the customs and commercial territory, commercial and navigation agreements, the freedom of movement of goods, and the exchange of goods and payment with foreign countries, including customs and frontier protection;
6. Federal railroads and air traffic;
7. postal and telecommunication services;
8. the legal status of persons employed by the Federation and by Federal bodies-corporate under public law;
9. industrial property rights, copyrights and publication rights;
10. cooperation of the Federation and the Laender in matters of
 - o (a) criminal police,
 - o (b) protection of the free democratic basic order, of the existence and the security of the Federation or a Land (protection of the constitution) and
 - o (c) protection against activities in the federal territory which, through the use of force or actions in preparation for the use of force, endanger the foreign interests of the Federal Republic of Germany, as well as the establishment of a Federal Criminal Police Office and the international control of crime;
11. statistics for Federal purposes.

Article 74 (Concurrent legislation, catalogue)

Concurrent legislative powers extend to the following matters:

1. civil law, criminal law and execution of sentences, the system of judicature, the procedure of the courts, the legal profession, notaries and legal advice;
2. registration of births, deaths, and marriages;
3. the law of association and assembly;
4. the law relating to residence and establishment of aliens; 4a. the law relating to weapons and explosives; (inserted 28 July 1972 and amended 23 August 1972).
5. the protection of German cultural treasures against removal abroad;
6. the affairs of refugees and expellees;
7. public welfare;
8. citizenship in the Laender;

9. war damage and reparations;
10. benefits to war-disabled persons and to dependents of those killed in the war, assistance to former prisoners of war, and care of war graves;
 - 10a. war graves of soldiers, graves of other victims of war and of the victims of despotism; (*inserted 16 June 1965*)
11. the law relating to economic matters (mining, industry, supply of power, crafts, trades, commerce, banking and stock exchanges, private insurance);
 - 11a. the production and utilization of nuclear energy for peaceful purposes, the construction and operation of installations serving these purposes, protection against dangers arising from the release of nuclear energy or from ionizing rays, and removal of radioactive material;
12. Labor law, including the legal organization of enterprises; protection of workers, employment exchanges and agencies, as well as social insurance, including unemployment insurance;
13. the regulation of educational and training grants and the promotion of scientific research; (*as amended 12 May 1969*)
14. the law regarding expropriation, to the extent that matters enumerated in Articles 73 and 74 are concerned;
15. transfer of land, natural resources and means of production into public ownership or other forms of publicly controlled economy;
16. prevention of the abuse of economic power;
17. promotion of agricultural and forest production, safeguarding of the supply of food, the import and export of agricultural and forest products, deep sea and coastal fishing, and preservation of the coasts;
18. dealings in real estate, land law and matters concerning agricultural leases, housing, settlements and homesteads;
19. measures against epidemic and infectious diseases of humans and animals, admission to medical and other professions and practices in the field of healing, traffic in drugs, medicines, narcotics, and poisons;
 - 19a. the economic viability of hospitals and the regulation of hospitalization fees; (*inserted 12 May 1969*)
20. protection with regard to traffic in food and stimulants as well as in necessities of life, in fodder, in agricultural and forest seeds and seedlings, and protection of trees and plants against diseases and pests;
21. ocean and coastal shipping as well as aids to navigation, inland shipping, meteorological services, sea waterways and inland waterways used for general traffic;
22. road traffic, motor transport, construction and maintenance of long distance highways, as well as the collection of charges for the use of public highways by vehicles and the allocation of revenue therefrom; (*amended 12 May 1969*)
23. railroads other than Federal railroads, except mountain railroads.
24. waste disposal, air pollution control and noise abatement. (*amended 12 May 1969*)

Article 74a (Concurrent legislative power of the Federation, remuneration and pensions of members of the public service)

Inserted by federal statute of 18 March 1971

1. Concurrent legislative power shall further extend to the remuneration and pensions of members of the public service whose service and loyalty are governed by public law, insofar as the Federation does not have exclusive power to legislate pursuant to item 8 of Article 73.
2. Federal statutes enacted pursuant to paragraph (1) of this Article shall require the consent of the Bundesrat.

3. Federal statutes enacted pursuant to item 8 of Article 73 shall likewise require the consent of the Bundesrat, insofar as for the structure and assessment of remuneration and pensions, including the rating of posts, provision is made for criteria or minimum or maximum rates other than those provided for in federal statutes enacted pursuant to paragraph (I) of this Article.
4. Paragraphs (1) and (2) of this Article shall apply mutatis mutandis to the remuneration and pensions of judges in the Laender. Paragraph (3) of this Article shall apply mutatis mutandis to statutes enacted pursuant to paragraph (1) of Article 98.

Article 75 (Power of the Federation to pass framework legislation catalogue)
(amended 18 March 1969)

Subject to the conditions of Article 72 the Federation has the right to enact general rules concerning:

1. the legal status of persons in the public service of the Laender, communities other corporate bodies of public law, insofar as Article 74a does not provide otherwise;
 - o 1a. the general principles governing higher education. *(inserted 12 May 1969)*
2. the general rules of law concerning the status of the press and motion pictures;
3. hunting, protection of nature and care of the countryside;
4. land distribution, regional planning and water conservation;
5. matters relating to registration and identity cards.

Article 76 (Bills)
(amended 15 November 1968 and 12 May 1969)

1. Bills are introduced in the Bundestag by the Federal Government, by members of the Bundestag or by the Bundesrat.
2. Bills of the Federal Government shall be submitted first to the Bundesrat. The Bundesrat is entitled to state its position on these bills within six weeks.
3. Bills of the Bundesrat shall be submitted to the Bundestag by the Federal Government within 3 months. In doing so the Federal Government shall state its own views.

Article 77 (Legislative procedure)
(amended 15 Nov 1968)

1. Federal laws are adopted by the Bundestag. Upon their adoption, they shall, without delay, be transmitted to the Bundesrat by the President of the Bundestag.
2. The Bundesrat may, within three weeks of the receipt of the adopted bill, demand that a committee for joint consideration of bills, composed of members of the Bundestag and the Bundesrat, be convened. The composition and the procedure of this committee are regulated by rules of procedure adopted by the Bundestag and requiring the consent of the Bundesrat. The members of the Bundesrat on this committee are not bound by instructions. Where the consent of the Bundesrat is required for a law, the demand for convening this committee may also be made by the Bundestag or the Federal Government. Should the committee propose any amendment to the adopted bill, the Bundestag must again vote on the bill.
3. Insofar as the consent of the Bundesrat is not required for a law, the Bundesrat may, if the proceedings under paragraph 2 are completed, enter a protest within two weeks against a law adopted by the Bundestag. This period begins, in the case of paragraph 2, last sentence, on the receipt of the bill as re-adopted by the Bundestag, in all other cases on the receipt of a

communication from the chairman of the committee provided for in paragraph (2) of this Article to the effect that the committee's proceedings have been concluded.

4. If the protest is adopted by a majority of the votes of the Bundesrat, it can be rejected by a decision of the majority of the members of the Bundestag. If the Bundesrat adopted the protest by a majority of at least two-thirds of its votes, the rejection by the Bundestag requires a majority of two-thirds, including at least the majority of the members of the Bundestag.

Article 78 (Passage of federal statutes)

A bill adopted by the Bundestag is deemed to have been passed if the Bundesrat consents to it, does not make a demand pursuant to Article 77, paragraph 2, does not enter a protest within the time limited by Article 77 paragraph 3, or withdraws such protest, or if the protest is overridden by the Bundestag.

Article 79 (Amendment of the Basic Law) (As amended March 27, 1954)

1. The Basic law can be amended only by a law which expressly amends or supplements the text thereof.
With respect to international treaties the subject of which is a peace settlement, the preparation of a peace settlement or the abolition of an occupation regime, or which are designed to serve the defense of the Federal Republic, it shall be sufficient, for the purpose of a clarifying interpretation to the effect that the provisions of the Basic Law are not contrary to the conclusion and entry into force of such treaties, to effect a supplementation of the Basic Law confined to this clarifying interpretation.
2. Such a law requires the affirmative vote of two thirds of the members of the Bundestag and two-thirds of the votes of the Bundesrat.
3. An amendment of this Basic Law affecting the division of the Federation into Laender, the participation in principle of the Laender in legislation, or the basic principles laid down in Articles 1 and 20, is inadmissible.

Article 80 (Issue of ordinances)

1. The Federal Government, a Federal Minister or the Land Governments may be authorized by a law to issue ordinances having the force of law. The content, purpose and scope of the powers conferred must be set forth in the law. The legal basis must be stated in the ordinance. If a law provides that a power may be further delegated, an ordinance having the force of law is necessary in order to delegate the power.
2. The consent of the Bundesrat is required unless otherwise provided by Federal legislation, for ordinances having the force of law issued by the Federal Government or a Federal Minister concerning basic rules for the use of facilities of the Federal railroads and of postal and telecommunication Services, or charges therefore, or concerning the construction and operation of railroads, as well as for ordinances having the force of law issued on the basis of Federal laws that require the consent of the Bundesrat or that are executed by the Laender as agents of the Federation or as masters of their own concern.

Article 80a (Application of legal provisions in a state of tension) (As amended by federal statute of 28 July 1972)*

1. Where this Basic Law or a federal statute on Defense, including the protection of the civilian population, stipulates that legal provisions may only be applied in accordance with this Article, their application shall, except in a state of Defense, be admissible only after the Bundestag has determined that a state of tension (Spannungsfall) exists or where it has specifically approved such application. In respect of the cases mentioned in the first sentence of paragraph (5) and the second sentence of paragraph (6) of Article 12a, such determination of a state of tension and such specific approval shall require a two-thirds majority of the votes cast.
2. Any measures taken by virtue of legal provisions enacted under paragraph (1) of this Article shall be revoked whenever the Bundestag so demands.
3. In derogation of paragraph (1) of this Article, the application of such legal provisions shall also be admissible by virtue of and in accordance with a decision taken with the consent of the Federal Government by an international body within the framework of a treaty of alliance. Any measures taken pursuant to this paragraph shall be revoked whenever the Bundestag so demands with the majority of its members.

Inserted by federal statute of 24 June 1968

Article 81 (State of legislative emergency)

1. Should in the circumstances of Article 68 the Bundestag not be dissolved, the Federal President may, at the request of the Federal Government and with the consent of the Bundesrat, declare a state of legislative emergency with respect to a bill, if the Bundestag rejects the bill although the Federal Government has declared it to be urgent. The same applies if a bill has been rejected although the Federal Chancellor had combined with it the motion under Article 68.
2. If, after a state of legislative emergency has been declared, the Bundestag again rejects the bill or adopts it in a version declared to be unacceptable to the Federal Government the bill is deemed to have been passed insofar as the Bundesrat consents to it. The same applies if the bill is not adopted by the Bundestag within four weeks of its reintroduction.
3. During the term of office of a Federal Chancellor, any other bill rejected by the Bundestag may be passed in accordance with paragraphs 1 and 2 within a period of six months after the first declaration of a state of legislative emergency. After expiration of this period, a further declaration of a state of legislative emergency is inadmissible during the term of office of the same Federal Chancellor.
4. The Basic Law may not be amended nor be repealed nor suspended in whole or in part by a law Passed pursuant to paragraph 2.

Article 82 (Promulgation and effective date of legal provisions)

1. Laws passed in accordance with the provisions of this Basic Law will, after countersignature, be signed by the Federal President and promulgated in the Federal Gazette. Ordinances having the force of law will be signed by the agency which issues them, and unless otherwise provided by law, will be promulgated in the Federal Gazette.
2. Every law and every ordinance having the force of law should specify its effective date. In the absence of such a provision, it becomes effective on the fourteenth day after the end of the day on which the Federal Gazette was published.

VIII. THE EXECUTION OF FEDERAL LAWS AND THE FEDERAL ADMINISTRATION

Article 83 (Distribution of competence between the Federation the Laender)

The Laender execute Federal laws as matters of their own concern insofar as this Basic Law does not otherwise provide or permit.

Article 84 (Land execution and Federal Government supervision)

1. If the Laender execute Federal laws as matters of their own concern, they provide for the establishment of authorities and the regulation of administrative procedures insofar as Federal laws consented to by the Bundesrat do not otherwise provide.
2. The Federal Government may, with the consent of the Bundesrat, issue general administrative rules.
3. The Federal Government exercises supervision to ensure that the Laender execute Federal laws in accordance with applicable law. For this purpose the Federal Government may send commissioners to the highest Land authorities and, with their consent or, if this consent is refused, with the consent of the Bundesrat, also to subordinate authorities.
4. Should any shortcomings which the Federal Government has found to exist in the execution of Federal laws in the Laender not be corrected, the Bundesrat decides, on the application of the Federal Government or the Land whether the Land has acted unlawfully. The decision of the Bundesrat may be challenged in the Federal Constitutional Court.
5. For the execution of Federal laws, the Federal Government may, by Federal law requiring the consent of the Bundesrat, be authorized to issue individual instructions for particular cases. They must be addressed to the highest Land authorities unless the Federal Government considers the matter urgent.

Article 85 (Execution by the Laender as agents of the Federation)

1. Where the Laender execute Federal laws as agents of the Federation, the establishment of the authorities remains the concern of the Laender insofar as Federal laws consented to by the Bundesrat do not otherwise provide.
2. The Federal Government may with the consent of the Bundesrat, issue general administrative rules. It may regulate the uniform training of civil servants and salaried government employees. The heads of authorities at Intermediate level shall be appointed with its agreement.
3. The Land authorities are subject to the instructions of the appropriate highest Federal authorities. The instructions shall be addressed to the highest Land authorities unless the Federal Government considers the matter urgent. Execution of the instructions shall be ensured by the highest Land authorities.
4. Federal supervision extends to the conformity with law and appropriateness of the execution. The Federal Government may, for this purpose, require the submission of reports and documents and send commissioners to all authorities.

Article 86 (Direct federal administration)

Where the Federation executes laws by Federal administrative agencies or by Federal bodies-corporate or institutions under public law, the Federal Government issues, insofar as the law contains no special provision, the general administrative rules. It provides for the establishment of authorities insofar as the law does not otherwise provide.

Article 87 (Matters for direct federal administration)

1. The foreign service the Federal finance administration, the Federal railroads, the Federal postal service and, in accordance with the provisions of Article 89, the administration of the

Federal waterways and of shipping are conducted as matters of Federal administration with their own subordinate administrative structure, Federal frontier protection authorities and central offices for police information and communications, for the compilation of data for the purpose of protecting the Constitution and for the criminal police may be established by Federal legislation.

2. Social insurance institutions whose sphere of competence extends beyond the territory of one Land are conducted as Federal bodies-corporate under public law.
3. In addition, independent Federal higher authorities and Federal bodies-corporate and institutions under public law may be established by Federal law for matters on which the Federation has the power to legislate. If new functions arise for the Federation in matters on which it has the power to legislate, Federal authorities at intermediate and lower level may be established in case of urgent need, with the consent of the Bundesrat and of the majority of the members of the Bundestag.

Article 87a. (Establishment and powers of the Armed Forces)
(Added March 19, 1956)

1. The Federation shall establish Armed Forces for Defense purposes. Their numerical strength and general organizational structure shall be shown in the budget.
2. Apart from Defense, the Armed Forces may only be used insofar as explicitly permitted by this Basic Law.
3. While a state of Defense or a state of tension exists, the Armed Forces shall have the power to protect civilian property and discharge functions of traffic control insofar as this is necessary for the performance of their Defense mission. Moreover, the Armed Forces may, when a state of Defense or a state of tension exists, be entrusted with the protection of civilian property also in support of police measures; in this event the Armed Forces shall cooperate with the competent authorities.
4. In order to avert any imminent danger to the existence or to the free democratic basic order of the Federation or a Land, the Federal Government may, should conditions as envisaged in paragraph (2) of Article 91 obtain and the police forces and the Federal Border Guard be inadequate, use the Armed Forces to support the police and the Federal Border Guard in the protection of civilian property and in combating organized and militantly armed insurgents. Any such use of the Armed Forces shall be discontinued whenever the Bundestag or the Bundesrat so demands.

Article 87b (Administration of the Federal Armed Forces)
(Added March 19, 1956)

1. The administration of the Federal defense Forces shall be conducted as a Federal administration with its own administrative substructure. Its function shall be to administer matters pertaining to personnel and to the immediate supply of the material requirements of the Armed Forces. Tasks connected with benefits to invalids or construction work shall not be assigned to the administration of the Federal Defense Forces except by Federal legislation which shall require the consent of the Bundesrat. Such consent shall also be required for any legislative provisions empowering the administration of the Federal Defense Forces to interfere with rights of third parties: this shall, however, not apply in the case of laws concerning personnel.
2. Moreover, Federal laws concerning defense including recruitment for military service and protection of the civilian population may, with the consent of the Bundesrat, stipulate that they shall be carried out, wholly or in part, either under Federal administration with its own administrative substructure or by the Laender acting as agents of the Federation. If such

laws are executed by the Laender acting as agents of the Federation, they may, with the consent of the Bundesrat, stipulate that the powers vested by virtue of Article 85 in the Federal Government and appropriate highest Federal authorities shall be transferred wholly or partly to higher Federal authorities in such an event it may be enacted that these authorities shall not require the consent of the Bundesrat in issuing general administrative rules as referred to in Article 85 paragraph (2) first sentence.

Article 87c
(inserted 23 December 1959)

Laws enacted under item 11a of Article 74 may, with the consent of the Bundesrat stipulate that they shall be executed by the Laender acting as agents of the Federation.

Article 87d
(Added 6 Feb 1961)

1. The Aviation Administration shall be administered by the Federation.
2. By Federal law requiring the consent of the Bundesrat, the functions of the Aviation Administration may be assigned to the Laender as agents of the Federation.

Article 88.

The Federation establishes a note-issuing and currency bank as the Federal bank.

Article 89 (Federal waterways)

1. The Federation is the owner of the former Reich waterways.
2. The Federation administers the Federal waterways through its own authorities. It exercises the public functions relating to inland shipping which extend beyond the territory of one Land and those relating to maritime shipping which are conferred on it by law. Upon request, the Federation may transfer the administration of Federal waterways insofar as they lie within the territory of one Land, to this Land as an agent. If a waterway touches the territories of several Laender the Federation may designate as its agent one Land if so requested by the Laender concerned.
3. In the administration, development and new construction of waterways the needs of soil cultivation and of regulating water supply shall be safeguarded in agreement with the Laender .

Article 90 (Federal highways)

1. The Federation is the owner of the former Reich motor roads and Reich highways.
2. The Laender, or such self-governing bodies-corporate as are competent under Land law, administer as agents of the Federation the Federal motor roads and other Federal highways used for long-distance traffic.
3. At the request of a Land, the Federation may take under direct Federal administration Federal motor roads and other Federal highways used for long-distance traffic, insofar as they lie within the territory of the Land.

Article 91 (Internal emergency)
(amended 24 June 1968)

1. In order to avert any imminent danger to the existence or to the free democratic basic order of the Federation or of a Land, a Land may request the services of the police forces of other Laender or of the forces and facilities of other administrative authorities and the Federal Border Guard.
2. If the Land in which the danger is imminent is not itself willing or able to fight the danger, the Federal Government may place the police in that Land and the police forces of other Laender under its own instructions and use units of the Federal Border Guard. The order for this shall be rescinded after the danger is past, or else at any time on the demand of the Bundesrat. Where the danger extends to a region larger than a Land, the Federal Government may, insofar as is necessary for effectively combating such danger, issue instructions to the Land governments; the first and second sentences of this paragraph shall not be affected by this provision.

VIIIa. JOINT TASKS

Article 91a (Participation of the Federation by virtue of federal legislation)

1. The Federation shall participate, in the following sectors, in the discharge of responsibilities of the Laender, provided that such responsibilities are important to society as a whole and that federal participation is necessary for the improvement of living conditions (joint tasks):
 - 1. extension and construction of institutions of higher education, including university clinics;
 - 2. improvement of regional economic structures;
 - 3. improvement of the agrarian structure and of coast preservation.
2. Joint tasks shall be defined in detail by a federal statute requiring the consent of the Bundesrat. Such legislation should include general principles governing the discharge of joint tasks.
3. Such legislation shall provide for the procedure and the institutions required for joint overall planning. The inclusion of a project in the overall planning shall require the consent of the Land in which it is to be carried out.
4. In cases to which items 1 and 2 of paragraph (1) of this Article apply, the Federation shall meet one half of the expenditure in each Land. In cases to which item 3 of paragraph (1) of this Article applies, the Federation shall meet at least one half of the expenditure, and such proportion shall be the same for all the Laender. Details shall be regulated by statute. Provision of funds shall be subject to appropriation in the budgets of the Federation and the Laender.
5. The Federal Government and the Bundesrat shall be informed about the execution of joint tasks, should they so demand.

IX. THE ADMINISTRATION OF JUSTICE

Article 92 (Court Organization)

The judicial authority is vested in the judges; it is exercised by the Federal Constitutional Court, by the Supreme Federal Court, by the Federal courts provided for in this Basic Law and by the courts of the Laender.

Article 93 (Federal Constitutional Court, jurisdiction)

1. The Federal Constitutional Court decides:

- 1. on the interpretation of this Basic Law in the event of disputes concerning the extent of the rights and duties of a supreme Federal organ or of other parties concerned who have been endowed with independent rights by this Basic Law or by rules of procedure of a supreme Federal organ;
 - 2. in case of differences of opinion or doubts on the formal and material compatibility of Federal law or Land law with this Basic law, or on the compatibility of Land law with other Federal law, at the request of the Federal Government, of a Land government or of one-third of the Bundestag members;
 - 3. in case of differences of opinion on the rights and duties of the Federation and the Laender, particularly in the execution of Federal law by the Laender and in the exercise of Federal supervision;
 - 4. on other disputes of public law between the Federation and the Laender between different Laender or within a Land, unless recourse to another court exists;
 - 4a. on complaints of unconstitutionality, which may be entered by any person who claims that one of his basic rights or one of his rights under paragraph (4) of Article 20 or under Article 33, 38, 101, 103, or 104 has been violated by public authority;
 - 4b. on complaints of unconstitutionality entered by communes or associations of communes on the ground that their right to self-government under Article 28 has been violated by a statute other than a Land statute open to complaint to the respective Land constitutional court;
 - 5. in the other cases provided for in this Basic Law.
2. The Federal Constitutional Court shall also act in such cases as are otherwise assigned to it by Federal law.

Article 94 (Federal Constitutional Court, composition)

1. The Federal Constitutional Court consists of Federal judges and other members. Half of the members of the Federal Constitutional Court are elected by the Bundestag and half by the Bundesrat. They may not belong to the Bundestag, the Bundesrat, the Federal Government or the corresponding organs of a Land.
2. Its constitution and procedures will be regulated by a Federal law, which will specify in what cases its decisions shall have the force of law.

*Article 95 (Highest courts of justice of the Federation, Joint Panel)
(Amended 18 June 1968)*

1. To preserve the uniformity of application of Federal law, a Supreme Federal Court will be established.
2. The Supreme Federal Court decides cases in which the decision is of fundamental importance for the uniformity of the administration of justice by the higher Federal courts.
3. The judges of the Supreme Federal Court are selected jointly by the Federal Minister of justice and a committee for the selection of judges consisting of the Land Ministers of justice and an equal number of members elected by the Bundestag.
4. In other respects the constitution of the Supreme Federal Court and its procedure will be regulated by Federal legislation.

*Article 96 (Other federal courts, exercise of federal jurisdiction by courts of the Laender)
(amended 26 August 1969)*

1. The Federation may establish a federal court for matters concerning industrial property rights.

2. The Federation may establish military criminal courts for the Armed Forces as federal courts. They may only exercise criminal jurisdiction while a state of defence exists, and otherwise only over members of the Armed Forces serving abroad or on board warships. Details shall be regulated by federal statute. These courts shall be within the competence of the Federal Minister of Justice. Their full-time judges shall be persons qualified to hold judicial office.
3. The highest court of justice for appeals from the courts mentioned in paragraphs (1) and (2) of this Article shall be the Federal Court of Justice .
4. The Federation may establish federal courts for disciplinary proceedings against, and for proceedings in pursuance of complaints by, persons in the federal public service.
5. In respect of criminal proceedings under paragraph (1) of Article 26 or involving the protection of the State, a federal statute requiring the consent of the Bundesrat may provide that Land courts shall exercise federal jurisdiction.

Article 97 (Independence of the judges)

1. The judges are independent and subject only to the law.
2. Judges appointed permanently on a full time basis to an established post can, against their will, be dismissed, or permanently or temporarily suspended from office or transferred to another post or retired before expiration of their term of office only under authority of a judicial decision and only on grounds and in the form provided by law. Legislation may set age limits for the retirement of judges appointed for life. In the event of changes in the structure of the courts or their areas of jurisdiction, judges may be transferred to another court or removed from their office, provided they retain their full salary.

Article 98

(amended 18 March 1971)

1. The legal status of the Federal judges shall be regulated by a Special Federal law.
2. If a Federal judge, in his official capacity or unofficially, infringes upon the principle of the Basic Law or the constitutional order of a Land, the Federal Constitutional Court may decide by a two-thirds majority, upon the request of the Bundestag, that the judge be transferred to another office or placed on the retired list. In a case of an intentional infringement. his dismissal may be ordered.
3. The legal status of the judges in the Laender shall be regulated by special Land laws. The Federation may enact outline provisions, insofar as paragraph (4) of Article 74a does not provide otherwise.
4. The Laender may provide that the Land Minister of Justice together with a committee for the selection of judges shall decide on the appointment of judges in the Laender.
5. The Laender may, with respect to Land judges, enact provisions corresponding with paragraph 2. Existing Land constitutional law remains unaffected. The decision in a case of impeachment of a judge rests with the Federal Constitutional Court.

Article 99.

(as amended 18 June 1968)

The decision on constitutional disputes within a Land may be assigned by a Land law to the Federal Constitutional Court, and the decision of last instance in matters involving the application of Land law, to the higher Federal courts of justice referred to in paragraph (1) of Article 95.

Article 100
(amended 18 June 1968)

1. Where a court considers a law unconstitutional, the validity of which is relevant to its decision, the proceedings shall be stayed, and a decision shall be obtained from the Land court competent for constitutional disputes if the matter concerns the violation of the constitution of a Land, or from the Federal Constitutional Court if the matter concerns the violation of the Basic Law. This also applies if the matter concerns the violation of this Basic Law by Land law or the incompatibility of a Land law with a Federal law.
2. If, in the course of litigation doubt exists whether a rule of public international law forms part of the Federal law and whether such rule directly creates rights and duties for the individual (Article 25), the court shall obtain the decision of the Federal Constitutional Court.
3. Where the constitutional court of a Land, in interpreting the Basic Law, intends to deviate from a decision of the Federal Constitutional Court or of the constitutional court of another Land, it must obtain the decision of the Federal Constitutional Court.

Article 101

1. Extraordinary courts are inadmissible. No one may be removed from the jurisdiction of his lawful judge.
2. Courts for special fields may be established only by law.

Article 102

Capital punishment is abolished.

Article 103

1. In the courts everyone is entitled to a hearing in accordance with the law.
2. An act can be punished only if it was a punishable offense by law before the act was committed.
3. No one may be punished for the same act more than once in pursuance of general penal legislation.

Article 104

1. The freedom of the individual may be restricted only on the basis of a formal law and only with due regard to the forms prescribed therein. Detained persons may be subjected neither to mental nor to physical ill-treatment.
2. Only judges may decide on admissibility or extension of a deprivation of liberty. Where such deprivation is not based on the order of a judge, a judicial decision must be obtained without delay. The police may hold no one on their own authority in their own custody longer than the end of the day after the arrest. Details shall be regulated by legislation.
3. Any person provisionally detained on-suspicion of having committed a punishable offense must be brought before a judge at the latest on the day following the arrest; the judge shall inform him of the reasons for detention, examine him and give him an opportunity to raise objections. The judge must, without delay, either issue a warrant of arrest setting forth the reasons therefore or order the release from detention.
4. A relative of the person detained or a person enjoying his confidence must be notified without delay of any judicial decision ordering or extending a deprivation of liberty.

X. FINANCE

Article 104a (Apportionment of expenditure between the Federation and the Laender)

1. The Federation and the Laender shall separately meet the expenditure resulting from the discharge of their respective tasks insofar as this Basic Law does not provide otherwise.
2. Where the Laender act as agents of the Federation, the Federation shall meet the resulting expenditure.
3. Federal statutes to be executed by the Laender and granting money payments may make provision for such payments to be met wholly or in part by the Federation. Where any such statute provides that the Federation shall meet one half of the expenditure or more, it shall be implemented by the Laender as agents of the Federation. Where any such statute provides that the Laender shall meet one quarter of the expenditure or more, it shall require the consent of the Bundesrat.
4. The Federation may grant the Laender financial assistance for particularly important investments by the Laender or communes or associations of communes, provided that such investments are necessary to avert a disturbance of the overall economic equilibrium or to equalize differences of economic capacities within the federal territory or to promote economic growth. Details, especially concerning the kinds of investments to be promoted, shall be regulated by a federal statute requiring the consent of the Bundesrat or by administrative arrangements under the federal budget law.
5. The Federation and the Laender shall meet the administrative expenditure incurred by their respective authorities and shall be responsible to each other for ensuring proper administration. Details shall be regulated by a federal statute requiring the consent of the Bundesrat.

Article 105 (Legislative powers) (amended 12 May 1969)

1. The Federation has the exclusive power to legislate on customs and fiscal monopolies
2. The Federation shall have concurrent power to legislate on all other taxes the revenue from which accrues to it wholly or in part or where the conditions provided for in paragraph (2) of Article 72 apply.
 - (2a) The Laender shall have power to legislate on local excise taxes as long and insofar as they are not identical with taxes imposed by federal legislation.
3. Federal laws relating to taxes the yield of which accrues in whole or in part to the Laender or the communities (community associations) require the consent of the Bundesrat.

Article 106 (Apportionment of tax revenue) As amended December 23, 1955 and December 24 1956

1. The yield of fiscal monopolies and receipts from the following taxes shall accrue to the Federation:
 - 1. customs duties
 - 2. such excise taxes as do not accrue to the Laender in accordance with paragraph (2),
 - 3. turnover tax
 - 4. transportation tax,
 - 5. non-recurrent capital levies, and equalization taxes imposed for the purpose of implementing the equalization of burdens legislation,
 - 6. Berlin emergency aid tax.

- 7. supplementary levies on income and corporation taxes.
- 2. Receipts from the following taxes shall accrue to the Laender:
 - 1. Property tax,
 - 2. inheritance tax,
 - 3. motor-vehicle tax,
 - 4. such taxes on transactions that do not accrue to the Federation in accordance with paragraph (1),
 - 5. beer tax
 - 6. levies on gambling establishments,
 - 7. taxes on real estate and business,
 - 8. taxes with localized application.
- 3. Receipts from income tax and corporation tax shall accrue: until 31 March 1958, to the Federation and the Laender in a ratio of 33 1/3 per cent to 65 per cent, and from 1 April 1958, to the Federation and the Laender in a ratio of 35 per cent to 65 per cent.
- 4. The ratio of apportionment of the income and corporation taxes paragraph (3) should be modified by a Federal law requiring the consent of the Bundesrat whenever the development of the relation of revenues to expenditures in the Federation differs from that in the Laender and whenever the budgetary needs of the Federation or those of the Laender exceed the estimated revenues by a margin substantial enough to call for a corresponding adjustment of the ratio of apportionment in favor of either the Federation or the Laender. Any such adjustment shall be based on the following principles:
 - 1. The Federation and the Laender shall each bear the expenditures resulting from the administration of their respective tasks; Article 120 paragraph (1) shall not be affected;
 - 2. There shall be equality of rank between the claim of the Federation and the claim of the Laender to have their respective necessary expenditures covered from ordinary revenues;
 - 3. The requirements of the Federation and of the Laender in respect of budget coverage shall be coordinated in such a way that a fair equalization is achieved, any overburdening of taxpayers precluded, and uniformity of living standards in the Federal territory ensured.

The ratio of apportionment may be modified for the first time with effect from 1 April 1958 and subsequently at intervals of not less than two years after the entry into force of any law determining such ratio; provided that this stipulation shall not affect any notification of such ratio effected in accordance with paragraph (5).
- 5. If a Federal law Imposes additional expenditures on, or withdraws revenues from the Laender, the ratio of apportionment of the income and corporation taxes shall be modified in favor of the Laender, provided that conditions as envisaged in paragraph (4) have developed. If the additional burden placed upon the Laender is limited to a period of short duration, such burden may be compensated by grants from the Federation under a Federal law requiring the consent of the Bundesrat and which shall lay down the principles for assessing the amounts of such grants and for distributing the them among the Laender.
- 6. Receipts from taxes on real estate and businesses shall accrue to the communes. In case there are no communes in a Land the receipts shall accrue to the Land. In accordance with Land legislation, taxes on real estate and businesses may be used to ascertain assessments and surtaxes. The receipts of the Laender from income tax and corporation tax shall accrue to the communes and associations of communes in a percentage to be determined by Land legislation. Furthermore, the Land legislation shall determine whether and how much of the receipts of the Land taxes shall accrue to the communes (associations of communes).
- 7. If the Federation establishes special institutions in the Laender or communes (association of communes) which cause immediate higher expenditures or lower receipts to those Laender

or communes (associations of communes), the Federation shall grant the necessary financial equalization, if and insofar it is anticipated that the Laender or communes (associations of communes) are unable to bear these special burdens. Compensation by a third party and financial advantages which accrue to these Laender or communes (associations of communes) as a consequence of these institutions shall be considered in such equalization.

8. For the purposes of the present Article, revenues and expenditures of communes (associations of communes) shall be deemed to be Land revenues and expenditures

Article 107 (Financial equalization)
(amended 12 May 1969)

1. Revenue from Land taxes and the Land share of revenue from income and corporation taxes shall accrue to the individual Laender to the extent that such taxes are collected by revenue authorities within their respective territories (local revenue). A federal statute requiring the consent of the Bundesrat may provide in detail for the delimitation as well as the manner and scope of allotment of local revenue from corporation and wage taxes. Such statute may also provide for the delimitation and allotment of local revenue from other taxes. The Land share of revenue from the turnover tax shall accrue to the individual Laender on a per capita basis; a federal statute requiring the consent of the Bundesrat may provide for supplementary shares not exceeding one quarter of a Land share to be granted to Laender whose per capita revenue from Land taxes and from the income and corporation taxes is below the average of all the Laender combined.
2. Such statute shall ensure a reasonable equalization between financially strong and financially weak Laender, due account being taken of the financial capacity and financial requirements of communes or associations of communes. Such statute shall specify the conditions governing equalization claims of Laender entitled to equalization payments and equalization liabilities of Laender owing equalization payments as well as the criteria for determining the amounts of equalization payments. Such statute may also provide for grants to be made by the Federation from federal funds to financially weak Laender in order to complement the coverage of their general financial requirements (supplementary grants).

Article 108 (Revenue administration)
(amended 12 May 1969)

1. Customs, fiscal monopolies, the excise taxes subject to federal legislation, including the import turnover tax, and charges imposed within the framework of the European Communities shall be administered by federal revenue authorities. The organization of these authorities shall be regulated by Federal law. The heads of the authorities at intermediate level shall be appointed after consultation of the Land governments.
2. All other taxes shall be administered by Land revenue authorities. The organization of these authorities and the uniform training of their civil servants may be regulated by a federal statute requiring the consent of the Bundesrat. The heads of authorities at the intermediate level shall be appointed in agreement with the Federal Government.
3. To the extent that taxes accruing wholly or in part to the Federation are administered by Land revenue authorities, those authorities shall act as agents of the Federation. Paragraphs (3) and (4) of Article 85 shall apply, the Federal Minister of Finance, however, being substituted for the Federal Government.
4. In respect of the administration of taxes, a federal statute requiring the consent of the Bundesrat may provide for collaboration between federal and Land revenue authorities, or in the case of taxes under paragraph (1) of this Article for their administration by Land revenue authorities, or in the case of other taxes for their administration by federal revenue authorities,

where and to the extent that the execution of revenue statutes is substantially improved or facilitated thereby. As regards taxes the revenue from which accrues exclusively to communes or associations of communes, their administration may wholly or in part be transferred by the Laender from the appropriate Land revenue authorities to communes or associations of communes.

5. The procedure to be applied by federal revenue authorities shall be laid down by federal legislation. The procedure to be applied by Land revenue authorities or, as envisaged in the second sentence of paragraph 4 of this Article, by communes or associations of communes may be laid down by federal statute requiring the consent of the Bundesrat.
6. The jurisdiction of revenue courts shall be uniformly regulated by federal legislation.
7. The Federal Government may issue appropriate general administrative rules which, to the extent that administration is entrusted to Land revenue authorities or communes or associations of communes, shall require the consent of the Bundesrat.

Article 109 (Budget management in the Federation and the Laender)

1. The Federation and the Laender shall be autonomous and independent of each other in their budget management.
2. The Federation and the Laender shall have due regard in their budget management to the requirements of overall economic equilibrium.
3. Through federal legislation requiring the consent of the Bundesrat, principles applicable to both the Federation and the Laender may be established governing budgetary law, responsiveness of budget management to economic trends, and financial planning to cover several years ahead. *(As amended by federal statute of 12 May 1969)*
4. With a view to averting disturbances of the overall economic equilibrium, federal legislation requiring the consent of the Bundesrat may be enacted providing for:
 - o 1. maximum amounts, terms and timing of loans to be raised by territorial entities (Gebietskoerperschaften) or special purpose associations (Zweckverbaende), and
 - o 2. an obligation on the part of the Federation and the Laender to maintain interest-free deposits at the Deutsche Bundesbank (reserves for counterbalancing economic trends).

Authorizations to issue the relevant ordinances may be conferred on Federal Government only. Such ordinances shall require the consent of the Bundesrat. They shall be repealed insofar as the Bundestag may demand; details shall be regulated by federal legislation.

Article 110 (Budget and budget law of the Federation)

(As amended by federal statute of 12 May 1969)

1. All revenues and expenditures of the Federation shall be included in the budget; in respect of federal enterprises and special assets, allocations thereto or remittances therefrom need be included. The budget shall be balanced as regards revenue and expenditure.
2. The budget shall be laid down in a statute covering one year or several fiscal years separately before the beginning of the first of those fiscal years. Provision may be made for parts of the budget to apply to periods of different duration, but divided into fiscal years.
3. Bills within the meaning of the first sentence of paragraph (2) of this Article as well as bills to amend the budget statute and the budget be submitted simultaneously to the Bundesrat and to the Bundestag; the Bundesrat shall be entitled to state its position on such bills within weeks or, in the case of amending bills, within three weeks.
4. The budget statute may contain only such provisions as apply to revenues and expenditures of the Federation and to the period for which the budget statute is being enacted. The budget

statute may stipulate these provisions shall cease to apply only upon the promulgation of the next budget statute or, in the event of an authorization pursuant to Article 115, at a later date.

Article 111 (Interim budget management)

1. If, by the end of a fiscal year, the budget for the following year has not been established by a law, the Federal Government may, until such law comes into force, make all payments which are necessary:
 - (a) to maintain institutions existing by law and to carry out measures authorized by law;
 - (b) to meet legal obligations of the Federation;
 - (c) to continue building projects, procurements and other services or to continue the grant of subsidies for these purposes, provided amounts have already been authorized in the budget of a previous year.
2. Insofar as revenues provided by special legislation and derived from taxes, levies, or other sources, or the working capital reserves, do not cover the expenditures set forth in paragraph 1, the Federal Government may borrow the funds necessary for the conduct of current operations to a maximum of one quarter of the total amount of the previous budget.

Article 112 (Expenditures in excess of budgetary estimates)
(amended 12 May 1969)

Expenditures in excess of budgetary appropriations and extra budgetary expenditures shall require the consent of the Federal Minister of Finance. Such consent may be given only in the case of an unforeseen and compelling necessity. Details may be regulated by federal legislation.

Article 113 (Consent of the Federal Government to increases in expenditures or decreases in revenue)
(As amended by federal statute of 12 May 1969)

1. Statutes increasing the budget expenditures proposed by the Federal Government or involving or likely in future to cause new expenditures shall require the consent of the Federal Government. This shall also apply to statutes involving or likely in future to cause decreases in revenue. The Federal Government may demand that the Bundestag postpone vote on such bills. In this case the Federal Government shall state its position to the Bundestag within six weeks.
2. Within four weeks after the Bundestag has adopted such a bill, Federal Government may demand that it votes on that bill again.
3. Where the bill has become a statute pursuant to Article 78, the Federal Government may withhold its consent only within six weeks and only after having initiated the procedure provided for in the third and fourth sentences of paragraph (1) or in paragraph (2) of the present Article. Upon the expiry of this period such consent shall be deemed to have been given.

Article 114 (Rendering and auditing of accounts)
(As amended by federal statute of 12 May 1969)

1. The Federal Minister of Finance shall, on behalf of the Federal Government, submit annually to the Bundestag and to the Bundesrat their approval an account, covering the preceding fiscal year, of revenues and expenditures as well as of property and debt.

2. The Federal Audit Office, the members of which shall enjoy judicial independence, shall audit the account and examine the management the budget and the conduct of business as to economy and correctness. The Federal Audit Office shall submit an annual report directly to Federal Government as well as to the Bundestag and to the Bundesrat. In all other respects the powers of the Federal Audit Office shall regulated by federal legislation.

Article 115 (Procurement of credit)

(As amended by federal statute of 12 May 1969)

1. The borrowing of funds and the assumption of pledges, guarantee or other commitments, as a result of which expenditure may be incurred in future fiscal years, shall require federal legislative authorization indicating, or permitting computation of, the maximum amount involved. Revenue obtained by borrowing shall not exceed the total expenditures for investments provided for in the budget; exceptions shall be permissible only to avert a disturbance of the overall economic equilibrium. Details shall be regulated by federal legislation.
2. In respect of special assets of the Federation, exceptions to the provisions of paragraph (1) of this Article may be authorized by federal legislation.

Xa. STATE OF DEFENSE

Entire section Xa inserted by federal statute, June 1968

Article 115a (Concept and determination of a state of Defense)

1. The determination that federal territory is being attacked by armed force or that such an attack is directly imminent (state of Defense) shall be made by the Bundestag with the consent of the Bundesrat. Such determination shall be made at the request of the Federal Government and shall require a two- thirds majority of the votes cast, which shall include at least the majority of the members of the Bundestag.
2. Where the situation imperatively calls for immediate action and where insurmountable obstacles prevent the timely assembly of the Bundestag, or where there is no quorum in the Bundestag, the Joint Committee shall make this determination with a two-thirds majority of the votes cast, which shall include at least the majority of its members.
3. The determination shall be promulgated in the Federal Law Gazette by the Federal President pursuant to Article 82. Where this cannot done in time, the promulgation shall be effected in another manner; it shall subsequently be printed in the Federal Law Gazette as soon as circumstances permit.
4. Where the federal territory is being attacked by armed force and where the competent bodies of the Federation are not in a position at once to make the determination provided for in the first sentence of paragraph (I) of this Article, such determination shall be deemed to have been made and promulgated at the time the attack began. The Federal President shall announce such time as soon as circumstances permit.
5. Where the determination of the existence of a state of Defense has been promulgated and where the federal territory is being attacked by armed force, the Federal President may, with the consent of the Bundestag, issue declarations under international law regarding the existence of such state of Defense. Where the conditions mentioned in paragraph (2) of this Article apply, the Joint Committee shall act in substitution for the Bundestag.

Article 115b (Transfer of command to the Federal Chancellor)

Upon the promulgation of a state of Defense, the power of command over the Armed Forces shall pass to the Federal Chancellor.

Article 115c (Extension of legislative powers of the Federation)

1. The Federation shall have the right to legislate concurrently in respect of a state of Defense even on matters within the legislative powers of the Laender. Such statutes shall require the consent of the Bundesrat.
2. Federal legislation to be applicable upon the occurrence of a state of Defense to the extent required by conditions obtaining while such state of Defense exists may make:
 - 1. preliminary provision for compensation to be made in the event of property being taken, in derogation of the second sentence of paragraph (3) of Article 14;
 - 2. provision for a time-limit other than that referred to in the third sentence of paragraph (2) and the first sentence of paragraph (3) of Article 104 in respect of deprivations of liberty, but not exceeding four days at the most, in a case where no judge has been able to act within the time-limit applying in normal times.
3. Federal legislation to be applicable upon the occurrence of a state of Defense to the extent required for averting an existing or directly imminent attack may, subject to the consent of the Bundesrat, regulate the administration and the financial system of the Federation and the Laender in derogation of Sections VIII, VIIIa and X, provided that the viability of the Laender, communes and associations of communes is safeguarded, particularly in financial matters. *(As amended by federal statute of 12 May 1969)*
4. Federal statutes enacted pursuant to paragraph (1) or subparagraph 1 of paragraph (2) of this Article may, for the purpose of preparing for their enforcement, be applied even prior to the occurrence of a state of Defense.

Article 115d (Legislative process in the case of urgent bills)

1. While a state of Defense exists, the provisions of paragraphs (2) and (3) of this Article shall apply in respect of federal legislation, in derogation of the provisions of paragraph (2) of Article 76, the second sentence of paragraph (1) and paragraph (2) to (4) of Article 77, Article 78, and paragraph (1) of Article 82.
2. Bills submitted as urgent by the Federal Government shall be forwarded to the Bundesrat at the same time as they are submitted to the Bundestag. The Bundestag and the Bundesrat shall debate such bills together without delay. Insofar as the consent of the Bundesrat is necessary, the majority of its votes shall be required for any such bill to become a statute. Details shall be regulated by rules of procedure adopted by the Bundestag and requiring the consent of the Bundesrat.
3. The second sentence of paragraph (3) of Article 115a shall apply mutatis mutandis in respect of the promulgation of such statutes.

Article 115e (Powers of the Joint Committee)

1. Where, in a state of Defense, the Joint Committee determines with a two-thirds majority of the votes cast, which shall include at least the majority of its members, that insurmountable obstacles prevent the timely assembly of the Bundestag or that there is no quorum in the Bundestag, the Joint Committee shall have the status of both the Bundestag and the Bundesrat and shall exercise their rights as one body.
2. The Joint Committee may not enact any statute to amend this Basic Law or to deprive it of effect or application either in whole or in part. The Joint Committee shall not be authorized to enact statutes pursuant to paragraph (1) of Article 24 or to Article 29.

Article 115f (Powers of the Federal Government)

1. In a state of Defense, the Federal Government may, to the extent necessitated by circumstances: 1. use the Federal Border Guard throughout the federal territory; 2. issue instructions not only to federal administrative authorities but also to Land governments and, where it deems the matter urgent, to Land authorities, and may delegate this power to members of Land governments to be designated by it.
2. The Bundestag, the Bundesrat and the Joint Committee shall be informed without delay of the measures taken in accordance with paragraph (1) of this Article.

Article 115g (Status and functions of the Federal Constitutional Court)

The constitutional status and the performance of the constitutional functions of the Federal Constitutional Court and its judges shall not be impaired. The Federal Constitutional Court Act may not be amended by a statute enacted by the Joint Committee except insofar as such amendment is required. also in the opinion of the Federal Constitutional Court, to maintain the capability of the Court to function. Pending the enactment of such a statute, the Federal Constitutional Court may take such measures as are necessary to maintain the capability of the Court to carry out its work. Any decisions by the Federal Constitutional Court in pursuance of the second and third sentences of this Article shall require a two-thirds majority of the judges present.

Article 115h (Functioning capability of constitutional organs)

1. Any legislative terms of the Bundestag or of Land parliaments due to expire while a state of Defense exists shall end six months after the termination of such state of Defense. A term of office of the Federal President due to expire while a state of Defense exists, and the exercise of his functions by the President of the Bundesrat in case of the premature vacancy of the Federal President's office. shall end nine months after the termination of such state of Defense. The term of office of a member of the Federal Constitutional Court due to expire while a state of Defense exists shall end six months after the termination of such state of Defense.
2. Should the necessity arise for the Joint Committee to elect a Federal Chancellor, the Committee shall do so with the majority of members; the Federal President shall propose a candidate to the Joint Committee. The Joint Committee can express its lack of confidence in the Federal Chancellor only by electing a successor with a two-thirds majority of its members.
3. The Bundestag shall not be dissolved while a state of Defense exists.

Article 115i (Powers of the Land governments)

1. Where the competent federal bodies are incapable of taking measures necessary to avert the danger, and where the situation imperatively calls for immediate independent action in individual parts of the federal territory, the Land governments or the authorities or commissioners designated by them shall be authorized to take, within their respective spheres of competence, the measures provided for in paragraph (1) of Article 115f.
2. Any measures taken in accordance with paragraph (1) of the present Article may be revoked at any time by the Federal Government, or, in relation to Land authorities and subordinate federal authorities, by Land minister-presidents.

Article 115k (Duration of validity of extraordinary legal provisions)

1. Statutes enacted in accordance with Articles 115c, 115e and 115g as well as ordinances issued by virtue of such statutes, shall, for the duration of their applicability, suspend law which is inconsistent with such statutes or ordinances. This shall not apply to earlier legislation enacted by virtue of Articles 115c, 115e or 115g.
2. Statutes adopted by the Joint Committee, as well as ordinances issued by virtue of such statutes, shall cease to have effect not later than months after the termination of a state of Defense.
3. Statutes containing provisions that diverge from Articles 91a, ' 1 04a, 106 and 107 shall apply no longer than the end of the second fiscal year following upon the termination of a state of Defense. After such termination they may, with the consent of the Bundesrat, be amended by federal legislation so as to return to the provisions made in Sections VIIa and X. *(As amended by federal statute of 12 May 1969)*

Article 115l (Repeal of extraordinary statutes and measures, termination of a state of Defense, conclusion of peace)

1. The Bundestag, with the consent of the Bundesrat, may at any time repeal statutes enacted by the Joint Committee. The Bundesrat may demand that the Bundestag make a decision on such matter. Any measures taken by the Joint Committee or the Federal Government to avert a danger shall be revoked where the Bundestag and the Bundesrat so decide.
2. The Bundestag, with the consent of the Bundesrat, may at any time declare a state of Defense terminated by a decision to be promulgated by the Federal President. The Bundesrat may demand that the Bundestag make a decision on such matter. A state of Defense shall, without delay, be declared terminated where the prerequisites for the determination thereof no longer exist.
3. The conclusion of peace shall be the subject of a federal statute.

XI. TRANSITIONAL AND CONCLUDING PROVISIONS

Article 116

1. Unless otherwise provided by law, a German within the meaning of this Basic Law is a person who possesses German citizenship who has been admitted to the territory of the German Reich, as it existed on December 31, 1937, as a refugee or expellee of German stock or as the spouse or descendant of such person.
2. Former German citizens who between January 30, 1933 and May 8 1945, were deprived of their citizenship for political, racial or religious reasons, and their descendants, shall be re-granted German citizenship on application. They are considered as not having been deprived of their German citizenship if they have established their domicile in Germany after May 8, 1945 and have not expressed a contrary intention.

Article 117

1. Law which conflicts with Article 3, paragraph 2, remains in force until adapted to this provision of the Basic Law, but not beyond March 31, 1953.
2. Laws which restrict the right of freedom of movement in view of the present housing shortage remain in force until repealed by Federal legislation.

Article 118

The reorganization of the territory comprising the Laender of Baden, Wuerttemberg-Baden and Wuerttemberg-Hohenzollern may be effected notwithstanding the provisions of Article 29, by

agreement between the Laender concerned. If no agreement is reached, the reorganization, will be regulated by a Federal law which must provide for a referendum.

Article 119

In matters relating to refugees and expellees, in particular as regards their distribution among the Laender, the Federal Government with the consent of the Bundesrat issue ordinances having the force of law, pending settlement of the matter by Federal legislation. The Federal Government may in this matter be authorized to issue individual instructions for particular cases. Except where there is danger in delay, the instructions shall be addressed to the highest Land authorities.

Article 120 (Occupation costs and burdens resulting from the war)

1. The Federation shall meet the expenditure for occupation costs and the other internal and external burdens caused by the war, as regulated in detail by federal legislation. To the extent that these costs and other burdens have been regulated by federal legislation on or before 1 October 1969, the Federation and the Laender shall meet such expenditure between them in accordance with such federal legislation. Insofar as expenditures for such of these costs and burdens as neither have been nor will be regulated by federal legislation have been met on or before 1 October 1965 by Laender, communes, associations of communes or other entities performing functions of the Laender or the communes, the Federation shall not be obliged to meet expenditure of that nature even where it arises after that date. The Federation shall pay the subsidies towards the burdens of social insurance institutions, including unemployment insurance and public assistance to the unemployed. The distribution between the Federation and the Laender of costs and other burdens caused by the war, as regulated in this paragraph, shall not affect any statutory regulation of claims for indemnification in respect of the consequences of the war.
2. Revenue shall pass to the Federation at the same time as the latter assumes responsibility for the expenditure referred to in this Article.

Article 120a

(Added August 14, 1952)

1. Laws concerning the implementation of the equalization of burdens may, with the consent of the Bundesrat, stipulate that in the field of equalization benefits, they shall be executed partly by the Federation and partly by the Laender acting as agents of the Federation, and that the relevant powers vested in the Federal Government and the competent highest Federal authorities by virtue of Article 5 shall be wholly or partly delegated to the Federal Equalization Office. In the exercise of these powers the Federal Equalization Office shall not require the consent of the Bundesrat; with the exception of urgent cases, its instructions shall be given to the highest Land authorities (Land Equalization Offices).
2. The provisions of Article 87, paragraph 3, second sentence, shall not be affected hereby.

Article 121

Within the meaning of this Basic Law, a majority of the members of the Bundestag and of the Federal Convention is the majority of the number of their members established by law.

Article 122

1. From the time of the first meeting of the Bundestag, laws shall be passed exclusively by the legislative organs recognized in this Basic Law.
2. Legislative bodies and bodies participating in legislation in an advisory capacity whose competence ends by virtue of paragraph 1, are dissolved from that date.

Article 123

1. Law in force before the first meeting of the Bundestag remains in force, insofar as it does not conflict with the Basic Law.
2. Subject to all rights and objections of the interested parties, the State treaties concluded by the German Reich concerning matters for which, under this Basic Law, Land legislation is Competent remain in force, if they are and continue to be valid in accordance with general principles of law, until new State treaties are concluded by the agencies competent under this Basic Law, or until they are in any other way terminated pursuant to their provisions.

Article 124

Law affecting matters within the exclusive power to legislate of the Federation becomes Federal law wherever it is applicable.

Article 125

Law affecting matters within the concurrent power to legislate of the Federation becomes Federal law wherever it is applicable:

1. Insofar as it applies uniformly within one or more zones of occupation;
2. Insofar as it is law by which former Reich law has been amended after May 8, 1945.

Article 126

The Federal Constitutional Court decides disputes regarding the continuance of law as Federal law.

Article 127

Within one year of the promulgation of this Basic Law the Federal Government may, with the consent of the governments of the Laender concerned, extend to the Laender of Baden, Greater Berlin, Rhineland-Palatinate and Wuerttemberg-Hohenzollern any legislation of the Bizonal Economic Administration, insofar as it continues to be in force as Federal law under Articles 124 or 125.

Article 128

Insofar as law continuing in force provides for powers to give instructions within the meaning of Article 84, paragraph 5, these powers remain in existence until otherwise provided by law.

Article 129

1. Insofar as legal provisions which continue in force as Federal law contain an authorization to issue ordinances having the force of law or general administrative rules or to perform administrative acts, the authorization passes to the agencies henceforth competent in the

matter. In cases of doubt, the Federal Government will decide in agreement with the Bundesrat; the decision must be published.

2. Insofar as legal provisions which continue in force as Land law contain such an authorization, it will be exercised by the agencies competent under Land law.
3. Insofar as legal provision within the meaning of paragraphs 1 and 2 authorize their amendment or supplementation or the issue of legal provisions in place of laws, these authorizations have expired.
4. The provisions of paragraphs 1 and 2 apply mutatis mutandis whenever legal provisions refer to regulations no longer valid or to institutions no longer in existence.

Article 130

1. Administrative agencies and other institutions which serve the public administration or the administration of justice and are not based on Land law or treaties between Laender, as well as the Association of Management of Southwest German Railroads and the Administrative Council for the Postal Services and Telecommunications of the French Zone of Occupation, are placed under the Federal Government. The Federal Government provides with the consent of the Bundesrat for their transfer, dissolution or liquidation.
2. The highest disciplinary superior of the personnel of these administrations and institutions is the appropriate Federal Minister.
3. Bodies corporate and institutions of public law no directly under a Land and not based on treaties between Laender, are under the supervision of the appropriate highest Federal author.

Article 131

Federal legislation shall regulate the legal status of persons, including refugees and expellees, who on May 8, 1945, were employed in the public service, have left the service for reasons other than those arising from civil service regulations or collective agreement rules, and have not until now been employed or are employed in a position not corresponding to their former one. The same applies mutatis mutandis to persons, including refugees and expellees, who, on May 8, 1945 were entitled to a pension or other assistance and who no longer receive any assistance or any commensurate assistance for reasons other than those arising from civil service regulations or collective agreement rules. Until the Federal law comes into force, no legal claims can be made, unless otherwise provided by Land legislation.

Article 132

1. Civil servants and Judges who, when the Basic Law comes into force, are appointed for life, may within six months after the first meeting of the Bundestag, be placed on the retired list or waiting list or be transferred to another one with lower remuneration, if they lack the personal or professional aptitude for their office. This provision applies mutatis mutandis also to salaried employees whose service cannot be terminated by notice. In the case of salaried employer whose services can be terminated by notice, periods of notice in excess of the periods fixed by collective agreement rules may be canceled within the same period.
2. This provision does not apply to members of the public service who are not affected by the provisions regarding the liberation from National Socialism and militarism or who are recognized victims of National Socialism unless there is an important reason with respect to their personality.
3. Those affected may have recourse to the courts in accordance with Article 19, paragraph 4.

4. Details will be regulated by an ordinance of the Federal Government which requires the consent of the Bundesrat.

Article 133

The Federation succeeds to the rights and obligations of the Bizonal Economic Administration.

Article 134

1. Reich property becomes in principle Federal property.
2. Insofar as the property was originally intended to be used predominantly for administrative tasks which, under this Basic Law, are no administrative tasks of the Federation, it shall be transferred without compensation to the authorities not charged with such tasks, and to the Laender insofar as it is being used at present, and not merely temporarily, for administrative tasks which under the Basic Law are now within the administrative functions of the Laender. The Federation may also transfer other property to the Laender.
3. Property which was placed at the disposal of the Reich by the Laender and communities (associations of communities) without compensation shall again become the property of the Laender and communities (community associations), insofar as it is not required by the Federation for its own administrative tasks.
4. Details will be regulated by a Federal law which requires the consent of the Bundesrat.

Article 135

1. If after May 8, 1945, and before the coming into force of this Basic Law an area has passed from one Land to another, the Land to which the area now belongs is entitled to the property located therein of the Land to which it formerly belonged.
2. Property of Laender and other bodies-corporate and institutions under public law, which no longer exist, passes insofar as it was originally intended to be used predominantly for administrative tasks or is being used at present, and not merely temporarily, predominantly for administrative tasks, to the Land or the body-corporate or institution under public law which now discharges these tasks.
3. Real estate of Laender which no longer exists, including appurtenances, passes to the Land within which it is located insofar as it is not included among property within the meaning of paragraph 1.
4. If an overriding interest of the Federation or the particular interest of an area so requires, a settlement deviating from paragraph 1 to 3 may be effected by Federal Law.
5. For the rest, the succession in law and the settlement of the property, insofar as it has not been affected before January 1 1952, by agreement between the Laender or bodies-corporate or institutions under public law concerned will be regulated by a Federal law which requires the counsel of the Bundesrat.
6. Interests of the former Land of Prussia in enterprises under private law pass to the Federation. A Federal law which may also deviate from this provision, will regulate details.
7. Insofar as, on the coming into force of the Basic Law, property which would fall to a Land or body-corporate or institution under public law pursuant to paragraph 1 to 3 had been disposed of through or under authority of a Land law or in any other manner by the party thus entitled, the passing of the property is deemed to have taken place before such disposition.

Article 135a

(amended 31 August 1990 & 23 September 1990)

1. The legislation reserved to the Federation in Article 134, paragraph (4), and Article 135, paragraph (5), may also stipulate that the following liabilities shall not be discharged, or not to their full extent:
 - 1. Liabilities of the Reich or liabilities of the former Land Prussia or liabilities of such other bodies-corporate and institutions under public law as no longer exist;
 - 2. such liabilities of the Federation or other bodies-corporate and institutions under public law as are connected with the transfer of properties pursuant to Articles 89, 90, 134 or 135, and such liabilities of the same as arise from measures taken by the holders of rights defined under item 1;
 - 3. such liabilities of Laender or communes (associations of communes) as have arisen from measures taken by these holders of rights before August 1, 1945, within the sphere of administrative functions incumbent upon, or delegated by, the Reich to comply with regulations of occupying Powers or to remove a state of emergency due to the war.
2. Paragraph 1 above shall be applied mutatis mutandis to liabilities of the German Democratic Republic or its legal entities as well as to liabilities of the Federation or other corporate bodies and institutions under public law which are connected with the transfer of properties of the German Democratic Republic to the Federation, Laender and communes (Gemeinden), and to liabilities arising from measures taken by the German Democratic Republic or its legal entities.

Article 136

1. The Bundesrat assembles for the first time on the day of the first meeting of the Bundestag.
2. Until the election of the first Federal President his powers will be exercised by the President of the Bundesrat. He has not the right to dissolve the Bundestag.

Article 137

1. The right of civil servants, of salaried employees of the public services, of professional soldiers, of temporary volunteer soldiers and of judges to stand for election in the Federation, in the Laender or in the communes may be restricted by legislation.
2. The Electoral Law to be adopted by the Parliamentary Council applies to the election of the first Bundestag of the first Federal Convention and of the first Federal President of the Federal Republic.
3. The function of the Federal Constitutional Court pursuant to Article 41, paragraph 2, shall, pending its establishment, be exercised by the German High Court for the Combined Economic Area, which shall decide in accordance with its rules of procedure.

Article 138

Changes in the rules relating to notaries as they now exist in the Laender of Baden, Bavaria, Wuerttemberg-Baden and Wuerttemberg- Hohenzollern, require the consent of the governments of these Laender.

Article 139

The provisions of law enacted for the liberation of the German people from National Socialism and Militarism are not affected by the provisions of this Basic Law.

Article 140

The provisions of Articles 136, 137, 138, 139 and 141 of the German Constitution of August 11, 1919, are an integral part of this Basic Law.

Article 141

Article 7, paragraph 3 first sentence, has no application in a Land in which different provisions of Land law were in force on January 1, 1949.

Article 142

Notwithstanding the provision of Article 31, such provisions of Land Constitutions as guarantee basic rights in conformity with Articles 1 to 18 of this Basic Law also remain in force.

Article 142a (Repealed)

Article 143

1. Law in the territory specified in Article 3 of the Unification Treaty may deviate from provisions of this Basic Law for a period not extending beyond 31 December 1992 in so far as and as long as no complete adjustment to the order of the Basic Law can be achieved as a consequence of the different conditions. Deviations must not violate Article 19 (2) and must be compatible with the principles set out in Article 79 (3).
2. Deviations from sections II, VIII, VIIIa, IX, X and XI are permissible for a period not extending beyond 31 December 1995.
3. Notwithstanding paragraphs 1 and 2 above, Article 41 of the Unification Treaty and the rules for its implementation shall remain valid in so far as they provide for the irreversibility of intrusion on property in the territory specified in Article 3 of the said Treaty.

Article 144

1. This Basic Law requires ratification by the representative assemblies in two-thirds of the German Laender in which it is for the time being to apply.
2. Insofar as the application of this Basic Law is subject to restrictions in any Land listed in Article 23 or in any part of such Land, the Land or the part thereof has the right to send representatives to the Bundestag in accordance with Article 38 and to the Bundesrat in accordance with Article 50.

Article 145

1. The Parliamentary Council shall note in public session, with the participation of the representatives of Greater Berlin, the ratification of this Basic Law and shall sign and promulgate it.
2. This Basic Law shall come into force at the end of the day of promulgation.
3. It shall be published in the Federal Gazette.

Article 146 (Duration of validity of the Basic Law)

(amended by Unification Treaty of 31 August 1990 and federal statute 23 September 1990).

This Basic Law, which is valid for the entire German people following the achievement of the unity and freedom of Germany, shall cease to be in force on the day on which a constitution adopted by a free decision of the German people comes into force.

APPENDIX TO BASIC LAW

The following is extracted from the German Constitution of 11 August 1919 (Weimar Constitution)

Articles 136-137-138-139 and 141 of the Section "Religion and religious Associations" of the Weimar Constitution incorporated into the Basic law for the Federal Republic of Germany pursuant to Article 140 thereof.

Article 136 (Weimar Constitution)

Civil and political rights and duties are neither dependent upon nor restricted by the practice of religious freedom.

The enjoyment of civil and political rights, as well as admission to official posts, is independent of religious creed.

No one is bound to disclose his religious convictions. The authorities have the right to make enquiries as to membership of a religious body only when rights and duties depend upon it, or when the collection of statistics ordered by law requires it.

No one may be compelled to take part in any ecclesiastical act or ceremony, or the use of any religious form of oath.

Article 137 (Weimar Constitution)

There is no state church.

Freedom of association is guaranteed to religious bodies. There are no restrictions as to the union of religious bodies within the territory of the Federation.

Each religious body regulates and administers its affairs independently within the limits of general laws. It appoints its officials without the cooperation of the Land, or of the civil community.

Religious bodies acquire legal rights in accordance with the general regulations of the civil code.

Religious bodies remain corporations with public rights in so far as they have been so up to the present.

Equal rights shall be granted to other religious bodies upon application, if their constitution and the number of their members offer a guarantee of permanency.

When several such religious bodies holding public rights combine to form one union this union becomes a corporation of a similar class.

Religious bodies forming corporations with public rights are entitled to levy taxes on the basis of the civil tax rolls, in accordance with the provisions of Land law.

Associations adopting as their work the common encouragement of a world-philosophy shall be placed upon an equal footing with religious bodies.

So far as the execution of these provisions may require further regulation, this is the duty of the Land legislature. Article 138. (Weimar Constitution)

Land connections with religious bodies, depending upon law, agreement or special legal titles, are dissolved by Land legislation. The principle for such action shall be laid down by the Federal Government.

Ownership and other rights of religious bodies and unions to their institutions, foundations, and other properties devoted to purposes of public worship, education or charity, are guaranteed.

Article 139 (Weimar Constitution)

Sundays and holidays recognized by the Land shall remain under legal protection as days of rest from work and for the promotion of spiritual purposes.

Article 141 (Weimar Constitution)

Religious bodies shall have the right of entry for religious purposes into the army, hospitals, prisons, or other public institutions, so far as is necessary for the arrangement of public worship or the exercise of pastoral offices, but every form of compulsion must be avoided.