

Bundessprachenamt – Referat SMD 3

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Übersetzung aus dem Deutschen ins Englische

**Act on the German Federal Agency for Technical
Relief (THW) as amended on 29 July 2009**

(Originaltitel: THW-Gesetz in der Fassung vom 29. Juli 2009)

Act on the German Federal Agency for Technical Relief (THW-Gesetz)

as amended on 29 July 2009 (Federal Law Gazette BGBl. I p. 2350)

Section 1 Organisation, Tasks and Powers

(1) The German Federal Agency for Technical Relief (THW) is a Federal institution without legal capacity that has its own administrative substructure within the area of responsibility of the Federal Ministry of the Interior. It comprises volunteers serving in an honorary capacity and full-time staff members.

(2) The German Federal Agency for Technical Relief (THW) provides technical support:

1. in accordance with the Civil Defence and Disaster Relief Act,
2. abroad on behalf of the Federal Government,
3. within the framework of disaster control, public emergencies, and large-scale accidents at the request of the authorities in charge of hazard control and
4. in the performance of public tasks pursuant to numbers 1 to 3 to the extent that they have been taken on by agreement.

(3) In order to be able to perform the tasks listed in Subsection 2, the German Federal Agency for Emergency Relief (THW) sets up volunteer units and institutions. The volunteers who are organised in local associations have a special kind of civil service status, which is defined by the regulations below.

(4) When dealing with disaster control, public emergencies and large-scale accidents, the units of the German Federal Agency for Technical Relief (THW) are subject to the technical directives of the requesting authorities. In these cases, the powers of the volunteers are determined by the directives and the legal responsibilities of operations control.

Section 2 Volunteers

(1) Volunteers as defined by this Act are individuals who voluntarily committed themselves to serving with the German Federal Agency for Technical Relief (THW) in an honorary capacity.

(2) Volunteers must carry out the tasks assigned to them and comply with official orders. They shall receive training and follow-on training in accordance with their duty requirements. As a rule, training activities should take place outside the usual hours of work.

(3) It is permitted to collect and process the volunteers' personal data as required for missions, training, and support.

(4) Volunteers who have culpably violated their official duties or are no longer suited for the performance of their tasks can be discharged. The Federal Ministry of the Interior is herewith authorised to lay down detailed rules for the conclusion, contents and termination of a volunteer's contract of service by way of legal ordinance without the consent of the Bundesrat.

Section 3 Social Security

(1) The commitment to serve with the German Federal Agency for Technical Relief (THW) and the performance of such duty must not prejudice employees with respect to their employment relationship, social and unemployment insurance, and occupational pension scheme. Employees taking part in missions or training events during the regular working hours applicable to them shall be released from work for the duration of their participation in said missions / training events while continuing to receive the remuneration they would have been paid if they had not participated in these missions / training events. Service with the German Federal Agency for Technical Relief (THW) shall not affect insurance contracts in the social security, unemployment insurance and occupational pension schemes. Sentences 1 and 2 shall apply accordingly to civil servants and judges.

(2) If the lost time period amounts to more than two hours a day or more than seven hours in two weeks, private-sector employers submitting a request to that effect must be reimbursed for the entire period of continued payment of remuneration, including their contributions to the social security system, the Federal Employment Agency, and the occupational pension scheme. Upon request, employers must also be reimbursed for any remuneration they continue to pay to employees according to statutory provisions during periods of incapacity for work as a result of illness provided said incapacity for work is attributable to service with the German Federal Agency for Technical Relief (THW). Sentences 1 and 2 shall apply accordingly to civil servants employed with Deutsche Post AG, Deutsche Postbank AG, and Deutsche Telekom AG.

(3) Upon request, volunteers must be reimbursed for any necessary cash expenditures incurred as a result of their service with the German Federal Agency for Technical Relief (THW). Volunteers who are self-employed shall be compensated, upon request, for any loss of earnings for which they can produce *prima facie* evidence. The Federal Ministry of the Interior may lay down ceilings and lump sum payments for reimbursements according to sentences 1 and 2.

(4) Volunteers receiving benefits from the Federal Employment Agency, state welfare assistance, and other benefits or emoluments from public funds must continue to receive any benefits to which they would be entitled if they did not serve with the German Federal Agency for Technical Relief (THW).

(5) Upon request, volunteers must be adequately reimbursed for any damage to property incurred as a result of their service with the German Federal Agency for Technical Relief (THW). This claim to reimbursement shall be excluded if the injured person has caused the damage intentionally or by gross negligence. Claims for

compensation the injured person may have against third parties shall devolve upon the Federal Government to the amount of compensation paid by the latter.

(6) If, in the event of a deployment abroad (Section 1 Subsection 2 Paragraph 2), an accident or an illness sustained by a volunteer is attributable to conditions peculiar to the country of deployment and such conditions constitute a special hazard to the volunteer even outside the scope of volunteer work, Articles 10 and 16 of the Development Aid Volunteers Act (*Entwicklungsshelfergesetz*) shall apply accordingly.

(7) In the event of an employment under the terms of Section 1 Subsection 2 Paragraph 2, the provisions of Section 56 of the Federal Pay Act (*Bundesbesoldungsgesetz*) as well as Section 43 Subsections 1, 2, 5 to 7; Section 43a Subsections 1 to 4 and 6, and Section 46 Subsection 4 of the Civil Service Benefits Act (*Beamtenversorgungsgesetz*) shall apply accordingly.

(8) The Federal Government shall be authorised to make arrangements - by way of legal ordinance for members and volunteers of the German Federal Agency for Technical Relief (THW) that provide technical assistance as defined by Section 1 Subsection 2 Paragraph 2 - pertaining to the granting of government officials' accident compensation by a mutatis mutandis application of Section 31 a and Section 46 Subsection 4 of the Civil Service Benefits Act (*Beamtenversorgungsgesetz*), taking into account statutory accident insurance benefits. The legal ordinance does not require the approval of the Bundesrat.

(9) The term "employees" as defined by these provisions refers to white-collar and blue-collar workers as well as the staff employed for their occupational training.

Section 4 Participation

Volunteers take part in activities at all levels of the German Federal Agency for Technical Relief (THW). Their interests vis-à-vis the responsible authorities of the Federal Agency shall be safeguarded by elected spokespersons. The respective organisations of the German Federal Agency for Technical Relief (THW) are advised by local and state committees as well as the Federal committee. Further details are laid down in a legal ordinance issued by the Federal Ministry of the Interior and not requiring the approval of the Bundesrat.

Section 5 Advisory Board

An advisory board made up of representatives of the Federal Government, the Laender, the central associations of local authorities, trade and industry, and the Federal Association of the German Federal Agency for Technical Relief (THW) shall be set up at the Federal Ministry of the Interior to advise the ministry on policy matters regarding the THW. Further details shall be laid down in the rules of procedure to be issued by the Federal Ministry of the Interior.

Section 6

Cost

(1) When rendering administrative assistance in accordance with Section 1 Subsection 2 Paragraph 3, the German Federal Agency for Technical Relief (THW) can charge the requesting authority for the expenses incurred to cover administrative costs. To the extent that the requesting authority is not entitled to reimbursement of expenses from a beneficiary, the German Federal Agency for Technical Relief (THW) may waive assertion of its claim.

(2) In the event of technical assistance rendered in the context of any of the cases listed in Section 1 Subsection 2 Paragraph 3 and not qualifying as administrative assistance, the German Federal Agency for Technical Relief (THW) may claim reimbursement of its costs from anyone who has caused a hazard or damage or—insofar as the hazard is caused by an object—from the person in actual control, in legal possession or otherwise entitled to dispose of said object.

(3) The Federal Ministry of the Interior is herewith authorised to specify, by way of legal ordinance and without the consent of the Bundesrat, the procedure for assessing, accounting for and carrying out relief operations of the German Federal Agency for Technical Relief (THW) and provide fixed rates in this respect. For reasons of equity or public interest, said legal ordinance may allow a full or partial waiver of reimbursement.