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**Preventing and Combatting Corruption in the Federal State Administration of
Mecklenburg-Vorpommern - *Korruptionsbekämpfungsrichtlinie* - KorRL M-V
(Guidelines on Combatting Corruption))**

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2030-50

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Administration of Mecklenburg-Vorpommern -
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Administrative provision from the State Government
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The English translation of the *Korruptionsbekämpfungsrichtlinie - KorRL M-V* issued by the State Government of Mecklenburg-Vorpommern is intended solely as a convenience to non-German-reading students/members of the university. Only the German text published in the official bulletin of Mecklenburg-Vorpommern (AmtsBl. M-V 2022, 250) is legally binding. In the event of any conflict between the English and German text, its structure, meaning or interpretation, the German text, its structure, meaning or interpretation shall prevail.

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1 General Information

1.1 Objectives

Corruption shakes public confidence in the integrity of the public service, hinders fair competition and causes considerable economic damage. Therefore, any appearance that public administration is influenceable by corruption must be avoided. One of the important principles of public service is the performance of work duties in the interest of the general public, not based on one's own

personal gain or profit. Employees who accept rewards, gifts and other benefits related to their position or office jeopardise the general public's trust in their reliability and harm the reputation of the public service as a whole.

This administrative provision aims to prevent corruption effectively, and to discover, pursue and punish corrupt practices. It provides guidance and assistance for introducing required measures to prevent and fight corruption and determines specific regulations for dealing with offers of rewards, gifts and other advantages. All employees must base their conduct on this administrative provision.

1.2 Scope of Application

This administrative provision applies both to the State's authorities in the meaning of § 1(3) *Landesverwaltungsverfahrensgesetz - VwVfG M-V* (State Administrative Procedure Act) Mecklenburg-Vorpommern including their departments, to the courts and public prosecutors' offices, as well as directly to all of the employees in the meaning of Number 1.3.2.

In private companies in which it holds the entire or majority of the shares, the State encourages the companies to take suitable measures to help prevent corruption. It is recommended that corporate entities, public agencies and foundations that are supervised by the State Government take measures to prevent corruption on the basis of these guidelines.

1.3 Definitions

1.3.1 Corruption and Advantages

Corruption in the terms of this administrative provision is the abuse of a position of trust conferred by a public office through the acceptance of or allowing oneself to be promised a tangible or intangible advantage for themselves or a third-party to which there is no legal entitlement.

Advantage (rewards, gifts or other benefits) is every improvement of the economic, legal, or personal situation, as well as any action to avoid a disadvantage.

When acquiring and accepting external funding for teaching and research purposes, if the third-party funds have been acquired in line with the procedural guidelines for acquiring and using third-party funds in the higher education sector, it will not be considered an advantage within the meaning of the civil service and labour laws.

1.3.2 Employees

Employees in the terms of this administrative provision are civil servants (also those already retired), employees (covered or not covered by collective agreements), judges (also those already retired), in so far as they are not subject to individual regulations at the core of their professional independence, and trainees of the State of Mecklenburg-Vorpommern.

I.3.3 In Relation to a Public Office

An advantage is granted in relation to a public office if the person granting the advantage was or is influenced by the employee holding or having held a public office or exercising or having exercised a publicly commissioned (secondary) work task. It is not necessary for the advantage to be linked to a specific official act.

I.3.4 Competent Body

The competent body in the terms of this administrative provision is the management of the authority or another office that has been given this task by the management of the authority.

I.4 Areas at Risk of Corruption and Areas Particularly at Risk of Corruption

As a general rule of principle, all areas are potentially at risk of corruption. Those areas in which decisions are made that can bring advantages to third parties are at particular risk of corruption. A third party in this sense can also be a member of a state authority, but who is affected by the decision outside of their official work area.

Areas at risk of corruption also include areas in which

- orders are made,
- public-law contracts are concluded,
- movable or immovable property is sold,
- public funds are granted,

- decisions related to permissions (consent and approvals, concessions etc.), bids and prohibitions are made,
- charges are determined or collected,
- control activities take place,
- budgetary funds are managed,
- procedures are processed or stored that concern information that is not available to third parties or only available if they meet certain conditions that exceed a mere submission of a request,
- the expertise is concentrated on only a small number of employees,
- the scope of activities is characterised by considerable margins of power and judgement, uncontrolled or individual decision-making powers, or frequent contact to external parties, or
- work tasks are performed at different physical locations.

This list is not conclusive and requires examination on a case-by-case basis.

A work area is at particular risk of corruption if the possible advantage could be significantly relevant to a third party.

2 Prevention

2.1 Measures for Members of Staff

2.1.1 Raising Employees' Awareness for the Risk of Corruption

When commencing employment for the first time, employees must be instructed about the prohibition of accepting rewards, gifts and other advantages, as well as the unlawfulness of corruption and its consequences in terms of civil service, labour and criminal law. Confirmation that this has taken place shall be kept on file. We recommend the use of [Appendix 1](#) for this purpose. Furthermore, employees must receive a copy of this administrative provision, including [Appendix 2](#).

The instruction of the employees with specific reference to this administrative provision and the prohibition of accepting rewards, gifts and other advantages contained herein must be repeated annually, for example as part of staff appraisals or via electronic instruction (email, e-learning).

2.1.2 Prohibition of Accepting Rewards, Gifts or other Advantages

2.1.2.1 Principle

All employees are forbidden from demanding, allowing oneself to be promised or accepting rewards, gifts or other advantages for themselves or third parties that are related to their office. The value of the advantage is irrelevant.

If it was unavoidable (e.g. due to social customs) to accept a reward, gift or other advantage, a note must be made on the reasons for accepting the advantage, as well as the kind, the estimated value, and, if applicable, the whereabouts of the advantage. This must be passed on to the competent body with a recommendation for the further use of the advantage.

Employees must immediately inform the competent body in writing or electronically of every attempt to influence official proceedings through the offer of a reward, gift or other advantage.

2.1.2.2 Exceptions

The competent body must approve exceptions to the prohibition of accepting rewards, gifts or other advantages.

Approval may only be granted:

- if there is an urgent official requirement,

- if it is unavoidable to accept an advantage due to social customs,
- for the bestowal of orders, decorations and other awards, or
- for generally typical guest gifts from official foreign delegations.

In each case, approval can only be granted if there is no threat that the acceptance will impair the objective performance of official duties and it can be guaranteed that the authority does not appear influenceable.

No exception can be made for accepting money – no matter what amount – and must not occur under any circumstance. The same applies to possible monetary benefits related to awards.

2.1.2.3 Tacit Approvals

If, following consideration of the individual circumstances, the objective performance of official duties is not impaired and it can be guaranteed that the authority will not appear influenceable, tacit approval is granted for

- the acceptance of low value gifts that can be generally accepted as non-objectionable (e.g. mass advertising items such as ballpoint pens, calendars, notepads),
- accepting food and drinks as part of official proceedings and visits if they are customary and appropriate or if they are justified by the rules of communication and politeness that also apply to public-service employees if they do not wish to breach social customs,
- accepting food and drinks that are typical and suitable for training courses or other events that employees are attending as part of their work duties, on official business or due to the social obligations linked to their office,
- participating at free and publicly accessible events that are not primarily aimed at establishing or maintaining contact,

- minor services that facilitate or accelerate the performance of work tasks (e.g. being picked up from the station in a car).

The excessive or repeated acceptance of non-objectionable minor gifts or typical hospitality may however also give the impression of being susceptible to personal benefits. Therefore, employees must pay attention to the frequency and suitability of the minor gifts, and, if necessary, explain to the person providing them that they would not like to accept any further benefits as they might otherwise be faced with consequences pertaining to criminal, civil service or labour law.

Tacit approvals do not release employees from providing details required by provisions related to travel expenses.

2.1.3 Initial Training and Continuing Professional Development

The various kinds of corruption and the associated dangers, measures to prevent corruption and possible consequences of corruption pertaining to criminal, civil service and labour law must be handled appropriately in initial training and during continuing professional development. Employees in areas that are at particular risk of corruption (number 1.4) and line managers/superiors shall participate in continuing professional development courses on combatting corruption.

2.1.4 Management Responsibility

In all areas that are at risk of corruption, measures to prevent corruption must take increased care of the employees. Line managers/superiors must continually work to reduce the risk of corruption and ensure that any appearance of corruption is avoided by their own behaviour and that of their employees (“Guidelines for Line Managers and Superiors” [Appendix 3](#)). They regularly draw the attention of their subordinate members of staff to the risks of corruption according to the specific needs. If there are signs of corruption, it is the responsibility of the line managers and superiors to follow them up thoroughly.

Line managers and superiors who tolerate or allow corrupt behaviour, violate their obligation to prevent corruption and may be liable to prosecution themselves. Measures pertaining to civil service and employment law shall be considered if there is any evidence.

2.1.5 Staff Selection and Rotation

When appointing staff to work areas that are considered at risk or at particular risk of corruption, depending on the level of risk, special consideration must be given to the reliability of the respective employee.

Employment in official positions that has not changed for years can lead to connections that facilitate dishonest influences. It is therefore recommended that periods of employment in areas at particular risk of corruption should be limited to five years, but no longer than seven years. If this is not possible due to a small number of staff or strong specialisation, the line managers/superiors must pay special attention to the signs of corruption and introduce an appropriate amount of measures to prevent corruption. In addition, the line managers/superiors and the respective employees shall regularly attend continuing professional development courses on the prevention of corruption. A change to the area of work is equivalent to a change of the work tasks, which ensures that the responsibility is transferred to a different group of persons.

2.2 Organisational Measures

2.2.1 Threat Analysis and Risk Assessment

The State's authorities must check the risk of corruption in their organisational units regularly and in the light of any specific reasons (e.g. changes in organisational structures or work tasks) and list the areas at risk and the areas at particular risk of corruption (number 1.4) in an overview (threat analysis). The decision as to whether a work area is considered at risk of corruption applies irrespective of the specific members of staff. It is based solely on objective, task-related characteristics. Employees must therefore be informed if their area of work is considered to be at particular risk of corruption.

Risk assessments should be considered in work areas that are at particular risk of corruption. For this, a list is made of the existing safety measures to prevent corruption and their effectiveness is tested in a cursory manner.

If, following the cursory examination, action is required, a risk assessment is performed. A risk assessment must be performed in specific circumstances. The risk assessment investigates and evaluates the individual work routines and processes, as well as the existing safety measures with regard to the risk of corruption, and identifies further possible effective safety measures.

Risk assessments should pay special attention to the following questions:

- Are there specific regulations for workflows at the post or workplace?

- Are decisions documented in a checkable manner?

- Is it possible for employees to manipulate decisions or do they have certain margins for their actions and decision-making processes?

- Which safety measures in the form of internal control bodies exist?

- Is there sufficient supervision of the rendered services and expertise?

- Are decisions recorded in a sufficiently transparent manner so that they are checkable by a reviewing body?

It is recommended that the guidelines for identifying work areas at particular risk of corruption issued by the Standardisation Working Group of the German Federal Ministry of the Interior is used for performing threat analyses and risk assessments (last revised 4 January 2012).

2.2.2 Contact for the Prevention of Corruption

At least one contact for the prevention of corruption and, if necessary, a deputy must be appointed in all authorities with work areas at risk of corruption. They can also be responsible for several departments. The contact is the person to be approached directly by employees, the heads of authorities and departments, as well as external parties.

The scope of work tasks includes, in particular:

- Raising the employees' awareness by providing information, help and advice when assessing suspected corruption and for work processes that could give rise to the appearance of a corrupt influence,

- Participation in threat analysis and risk assessment processes, as well as

- Informing and advising the management of authorities in suspected cases of corruption or (anonymous) tip-offs; proposal of internal investigations and measures to counteract the covering up of corruption, as well as suggestions for informing the public prosecutor's office in

suspected cases of corruption that are justified by facts.

When performing their tasks, the contact for the prevention of corruption has a direct right to present facts to the management of the authority and reports directly to the management of the authority within the scope of this task. When performing related tasks, the contact has an extensive right to inspect files; this does not apply to staff records. The contact must keep any knowledge of personal circumstances of employees confidential, even after they have left office; this does not apply towards the management of the authority if facts become apparent that give rise to the suspicion of a corruption offence. Personal data must be handled confidentially.

2.2.3 Multi-Level Approval, Transparency and Prohibitions on Participation

Multi-level approval must be ensured in work areas at risk of corruption by involving several employees or organisational units and regularly checking it is observed in the workflows. Furthermore, transparency must be ensured by making the reasons for decisions comprehensible and recording them on file.

Employees may not be involved in contracts, or the awarding of subsidies or grants, if those responsible for the contract party, the contractor or claimant are relatives of the employee as stipulated in § 20(5) VwVfG M-V. The same applies if the employee has promised to form a civil partnership with a person described above.

2.2.4 Setting up an Internal Audit

Corruption can be discovered by audits. Audits have the further objective of increasing the risk of detection through planned and unforeseeable checks, and thus act as deterrents.

If required as a result of risk assessments (number 2.2.1) or special circumstances, the highest competent state authority or the management of the authority must commission an organisational unit with the performance of an internal audit or, if necessary, set it up permanently as an independent organisational unit. For the police authorities stipulated in § 2(1) numbers 2 to 6 *Polizeiorganisationsgesetz* (Police Organisation Act), only the supreme state authority that is responsible for internal affairs can commission an organisational unit with the internal audit or set it up permanently.

The internal auditing department is solely responsible to the management of the authority and bound exclusively to its instructions. It should therefore be integrated as a staff unit in the organisational structure. The internal auditing department has a direct right of presentation to the management of the authority at all times.

The members of staff responsible for the internal audit should have extensive administrative experience and be suitably trained for this task.

2.3 Procedure for Awarding Contracts

2.3.1 Principles

In line with the obligation to observe the legal provisions of budget and contract awarding laws, special attention must be given to the compliance with the principle of multi-level approval, transparency and the comprehensive documentation of every step of the procedure for awarding contracts. If it becomes clear at a later date that a contract was concluded as a result of accepting an advantage, it must be terminated. A corresponding special right of termination must be included in contracts.

2.3.2 Separation of Planning, Awarding of Contracts and Accounting

When awarding public contracts pursuant to the legal budgetary regulations, the preparations, the planning and description of requirements on the one hand, and the realisation of the procedure for awarding contracts on the other, as well as the subsequent accounting must always be performed by different organisational units. If the organisational separation would entail a disproportionate amount of additional work or if it is not possible due to other official reasons, special attention must be given to the compliance with the principles stipulated in number 2.3.1. Furthermore, line managers/superiors must supervise the observance of the provisions of public procurement law, as well as the above-named principles.

2.3.3 Principle of Tendering with Unlimited Number of Participants

It must be ensured that the reasons warranting a limited contract awarding procedure are justified and recorded for each individual case. The provisions of the decree on national procurement thresholds as amended from time to time remain unaffected.

2.3.4 Involvement of Freelancers

Freelancers who are involved in the procedure for awarding contracts, in particular planning offices (architects and engineers), only have the right to suggest which applicants are suitable. The selection and awarding of the contract are tasks of the contracting authority.

2.3.5 Formal Commitment of Non-Civil Servants

If third parties are commissioned with tasks related to public administration, in particular those linked to tendering, the awarding of contracts, supervision and accounting, they must be committed to the conscientious fulfilment of their obligations on the basis of the template in Appendix I of the decree on implementing the Act on the Formal Commitment of Non-Civil Servants of 13 October 1994 (AmtsBl. M-V p. 1075).

3 Conduct in the Event of Suspected Corruption

3.1 Duties of the Employees

Employees must inform the competent body or contact for the prevention of corruption of any possible indications of corrupt behaviour. This obligation can also be fulfilled by contacting the contact for the prevention of corruption at the supreme state authority or the competent supervisory authority.

3.2 Involving Law Enforcement Authorities

If there are facts that justify a suspected corruption offence, the competent body must inform the public prosecutor's office and the supreme state authority immediately. In addition, preventive measures must be taken to impede any cover-up attempts (for example taking certain procedures away from the affected parties, protecting records, confiscating work equipment, or denying access to the office). No further investigations may be made.

3.3 Further Procedure

In cases of corruption, even those below the threshold of punishment pursuant to criminal law, procedures based on disciplinary and labour law must be pursued vigorously and comply, in particular, with the obligation to speed up proceedings.

In each individual case, authorities must carefully and comprehensively examine claims for damages against employees and third parties and enforce them rigorously.

4 Sponsorship, Advertising, Donations, Patronage

The rules for sponsorship, advertising, donations and patronage stipulated in [Appendix 4](#) shall apply. This applies without prejudice to legal regulations, e.g. criminal law, civil service law or budgetary law. Department-specific or overarching regulations for the universities (e.g. on the acquisition and acceptance of funds for teaching and research purposes by members of staff at the universities) remain unaffected.

5 Additional Regulations

The supreme state authorities can introduce additional regulations, in particular to address special conditions in their areas of activity or individual branches of the administration.

Additional cross-departmental regulations can be introduced by the supreme state authority responsible for internal affairs following consultation with the other supreme state authorities.

6 Appendices

Appendices 1 to 4 are an integral part of this administrative provision.

7 Entry into Force, Expiry

This administrative provision enters into force on the day after its publication. At the same time,

- the Administrative Provision on the Combatting of Corruption in the Federal State Administration of Mecklenburg-Vorpommern of 23 August 2005 (AmtsBl. M-V p. 1031),
- the Anti-Corruption Code of Conduct for Staff in the Federal State Administration of Mecklenburg-Vorpommern of 09 November 2001 (AmtsBl. M-V p. 1204), and

- the Decree on the Prohibition of Accepting Rewards and Gifts in Public Administration of 6 May 1999 (AmtsBl. M-V p. 558)

expire.

(AmtsBl. M-V 2022 p. 250)

Appendices (unofficial List)

Appendix 2: Anti-Corruption Code of Conduct

Appendix 4: Principles for Sponsorship, Advertising, Donations and Patronage

**Anti-Corruption Code of Conduct
for Staff in the Federal State Administration of
Mecklenburg-Vorpommern**

This Code of Conduct intends to inform staff members in the Federal State Administration of Mecklenburg-Vorpommern about situations in which they are at risk of corruption. It also aims to urge staff to fulfil their tasks in a dutiful and law-abiding manner and point out the consequences of corrupt behaviour:



Therefore:

- 1 Be a role model - demonstrate by your behaviour that you neither tolerate nor support corruption!**

Corruption can be better prevented if each individual sets himself the goal of fighting corruption. This corresponds to the obligations assumed by all members of staff towards their employer when they commenced employment (§ 42 BeamtStG, § 50 ff. LGB M-V, § 3(3) TV-L).

Upon entering public service, all employees oblige themselves to protect the free democratic basic order as established in the Federal Republic of Germany's *Grundgesetz* (Basic Law) and other applicable laws, and to fulfil their tasks conscientiously. Employees are to conduct themselves in a manner expected of a member of public service and, furthermore, to commit themselves in their entire behaviour to the free democratic basic order as established in the Federal Republic of Germany's Basic Law.

All employees must therefore fulfil their tasks in an impartial and just manner.

These obligations are not empty words. They must be reflected in the professional and private life of the individual.

Corrupt behaviour contradicts these obligations and damages the reputation of public service in Mecklenburg-Vorpommern. It not only destroys the people's trust in the impartiality and objectivity of the administration, but also in the ethical and moral principles of the state, society and economy that provide the foundation for living together in a federal community.

Employees are thus tasked with being behavioural role models for their colleagues and fellow citizens.

2 Foil attempts at corruption immediately and inform the contact for the prevention of corruption and/or the competent body without delay!

By receiving a benefit you are accepting an advantage. This does not require a declaration of acceptance or other kind of action.

You must therefore take a clear stand and immediately block any attempt at corruption, especially in situations linked to external parties, e.g. to applicants or supervisory tasks. You must not give the impression that you are open to “small gifts”.

Do not hesitate to immediately refuse an advantage that is intended for your own personal use - while asking for their understanding that you must adhere to the rules. Make clear that these regulations are in line with your conviction and that you therefore reject benefits of any kind.

If you are initially unaware that you have been presented with an advantage (e.g. in the form of a letter/parcel/package addressed personally to you), return the advantage immediately and also inform the competent body (usually the human resources department) about this incident without delay. When returning an object, you can make use of the attached templates. If it is not possible to return the object as you do not know where it has come from, hand the received advantage over to the competent body. The competent body will decide what to do with the received benefit.

If you work in an area of the administration that deals with the awarding of public contracts or the allocation of grants, you must be especially sensitive to third parties' attempts to influence your decisions. Most cases of corruption occur in these areas.

Take note of the Prohibition of Accepting Rewards, Gifts or Other Advantages in Number 2.1.2 KorRL M-V that regulates the details of this aspect.

If you have been asked to perform a dubious favour by a third party, inform the competent body immediately, and if possible, the respective contact for the prevention of corruption. On the one hand, that will help avoid any suspicion of corruption against you, and on the other hand, it also enables the potential initiation of legal action against the third party or their line manager/superior, depending on the circumstances.

If you successfully foil an attempt at corruption but do not report it, the person might turn to other members of staff and make the same attempt.

You should therefore protect fellow members of staff by reporting any attempt at corruption by third parties. All employees must work together to present a united and credible front.

3 If you suspect that someone would like to ask you for undue preference, get further employees to act as witnesses!

Sometimes you will be faced with a meeting in which you expect you will be presented with a dubious proposal that it will be difficult to turn down. Distancing yourself clearly from an offer is often not sufficient in such cases.

You should not face this kind of situation by yourself, instead ask further members of staff to attend the meeting. Speak to them prior to the meeting and ask them to avert any attempt at corruption through their behaviour.

4 Work in a manner that can be verified at any time!

Your work should be transparent and verifiable for everyone.

As you will usually leave your job at some point (taking on new tasks, being transferred) or be absent for a period of time (illness, holiday), your work processes should be sufficiently transparent so that it is possible for a successor or cover to take over for you at any time. There should be no "Supplementary files" (containing information not included in the primary file) in order to avoid any impression of dishonesty. Only use reference files if they are unavoidable for fulfilling the required tasks.

5 Strictly separate your professional and private life!

Check whether your private interests could lead to a conflict of interest with your professional obligations!

Attempts at corruption often start when third parties extend professional relationships to private contact. Refusing a "favour" is particularly difficult if you get along well in your private life and you or your family receive advantages and discounts (e.g. concert tickets, cheaper joint holidays, invitations to eat at expensive restaurants etc.).

You should therefore clarify with private contacts from the outset that you strictly separate your professional and private life so that you are not suspected of accepting advantages or taking bribes.

You must observe this strict separation between private interests and work tasks - irrespective of the potential risk of corruption - at all times throughout your career. Your employer and every citizen are entitled to your fair, proper and impartial conduct.

For every process for which you are responsible, you should therefore check whether your private interests or those of your relatives or even organisations to which you are connected, e.g. charitable organisations, political parties or sports clubs, could lead to a conflict of interest with your professional obligations (§§ 20, 21 *Landesverwaltungsverfahrensgesetz* - VwVfG M-V (State Administrative Procedure Act)). Avoid any possible appearance of partiality. Ensure that you do not give anyone a reason to doubt your impartiality, not even due to 'atmospheric' influences from interested parties.

When going over a task, if you recognise a possible conflict of interest between your professional obligations and your private interests or the interests of a third party to whom you feel connected, then inform your line manager/superiors so they can react appropriately and, if necessary, re-assign the task to someone else.

Any secondary work you do or plan to do must also be clearly separated from your primary work. Personal relationships evolving from secondary employment must not affect your full-time job.

If in doubt, it is better to abandon your secondary employment!

You should also note that you may face legal consequences if you perform work in secondary employment for which you have not received the required approval; the same applies to neglecting the duty to inform the employer (§ 40 *BeamStG*, §§ 70 ff. *LBG M-V*, § 3(4) *TV-L*).

Regardless of this, it will harm your reputation sooner or later - and thus the reputation of the entire public service sector - if you have given priority to your private interests in a conflict of interest. This is particularly true if you have an influential position. In this case, you should be especially careful to only agree on similar conditions that have been set down for comparable circumstances.

6 Support your authority in discovering and resolving corruption!

Inform the contact for the prevention of corruption and the competent body if there are specific indications of corrupt behaviour!

Corruption can only be prevented and fought if everyone feels responsible for their authority and everyone has the joint goal of maintaining a 'corruption-free authority'. On the one hand, this means that everyone must ensure that no outsiders have the possibility of gaining improper influence on decisions made in their area of responsibility.

However, it also means that efforts to cover up for corrupt employees due to misconceived solidarity or loyalty shall not be tolerated. Here, each individual is obliged to contribute towards the clarification of criminal acts and protect the authority from harm. "One bad apple spoils the whole barrel". Therefore, do not take part in any cover-up attempts.

Your authority has a contact for the prevention of corruption. You should not be shy of contacting them if colleagues' behaviour gives you specific and verifiable indications that they could be susceptible to bribery. The contact will treat your information discreetly and decide whether and which measures to take. However, and very importantly, you must only express suspicion if you have sufficient evidence. Suspicions must not be raised without specific evidence.

7 Help your authority recognise flawed organisational structures that favour attempts at corruption!

Long-standing processes often lead to the creation of niches in which corruption can flourish particularly well. These can be procedures in which individual employees are solely responsible for the approval of state benefits. It can also include processes that are purposely or unintentionally ambiguous in order to make review difficult or prevent it entirely.

Usually, a change in organisational structures can alleviate the situation. In specific cases, this cannot be carried out by those responsible for organisational measures as they usually lack the required specialist knowledge. That is why all employees are called upon to provide corresponding information to those responsible for organisation and to play their part in establishing clear and transparent work processes.

Within the organisational units themselves, line managers/superiors must design work processes clearly so that corruption cannot arise. Experience has shown that an internal controlling system (*Internes Kontrollsystem*, IKS), which includes the entirety of an authority's monitoring and security mechanisms to create sufficient compliance and security in administrative processes, is effective in averting all types of risks and threats.

8 Take part in further and continuing education on the topic of corruption prevention!

If you work in an area at risk of corruption, take advantage of the offers to participate in further and continuing education courses on the forms of corruption, risky situations, preventive measures and the legal consequences of corruption pertaining to criminal or civil service and employment law. You will learn how to prevent corruption and how to

react if attempts are made to corrupt you or you discover corruption at your workplace.

Ask your human resources department specifically about further and continuing education courses on the prevention of corruption.

9 What can I do if I receive indications of violations against the prohibition of accepting advantages at the workplace?

Inform the competent body or the contact for the prevention of corruption of any indications of corrupt behaviour. If the head of the department is involved, it is recommended that you get in touch with the contact for the prevention of corruption at the supreme supervisory authority.

Do not be afraid of any personal disadvantages and, if necessary, submit your information in anonymous form.

10 And what can you do if are already involved in corruption?

Free yourself from the constant fear of discovery!

Put things straight!

If you disclose yourself of your own accord and the information you provide leads to a full clarification of the facts, it can have a mitigating effect on the determination of your penalty and the consequences pursuant to civil service and employment law.

Template for refusing invitations to demonstration, workshops, etc.

Address

Your Invitation to

Dear Mr./Ms.,

I would like to thank you for your invitation to in..... on.....

As the character of the event is strongly influenced by the supporting programme, I kindly ask you to understand that I do not wish to accept your invitation.

In accordance with § 42 BeamStG/ § 3(3) TV-L/ § 2(2) TVöD, I am prohibited from accepting rewards, gifts, or any other benefits. The public service sector is obliged to impartiality. That is why it is my conviction to avoid from the outset any conceivable appearance of being influenceable, which could arise from taking part in a demonstration that goes beyond the boundaries of a mere information event.

Possibly:

I am still interested in information on and ask you to keep me informed of future developments.

The competent/human resources department (name specific department) has received a copy of this letter.

Yours sincerely,

Template for refusing an invitation to a festivity etc.

Address

Your Invitation to

Dear Mr./Ms.,

I would like to thank you for your invitation to in on

The state administration of Mecklenburg-Vorpommern sees itself as modern and citizen-oriented. As members of staff, we would like to treat the citizens' concerns as quickly and extensively as possible in line with the relevant legal provisions. I am pleased if I have managed to achieve this and would like to thank you for your invitation as an expression of your satisfaction.

As the character of the event is strongly based around the festive programme, I wish to refuse your invitation and kindly ask for your understanding.

In accordance with § 42 BeamtStG/ § 3(3) TV-L/ § 2(2) TVöD, I am prohibited from accepting rewards, gifts, or any other benefits. It is my conviction that in order to uphold the impartiality of the public sector, I must avoid from the outset any conceivable appearance of being influenceable, which could arise from accepting the invitation.

The competent/human resources department (name specific department) has received a copy of this letter.

Nevertheless, I wish you every success for your event on

Yours sincerely,

Template for returning rewards, gifts and other benefits

Address

Receipt of

Dear Mr./Ms.,

Thank you for your letter of I take the liberty of returning the gift (specify) you sent at the same time.

In accordance with § 42 BeamtStG/ § 3(3) TV-L/ § 2(2) TVöD, I am prohibited from accepting rewards, gifts, or any other benefits. The value of the gift is irrelevant. This stipulation – which you might perceive to be too strict – is there to protect the administration and its members of staff from damages and possible loss of reputation.

It is my conviction that in order to uphold the impartiality of the public sector whilst fulfilling my work tasks, I must avoid from the outset any conceivable appearance of being influenceable by not being susceptible to personal gain.

I kindly ask for your understanding.

The competent/human resources department (name specific department) has received a copy of this letter.

Yours sincerely,

➤ **Alternatively and in possible combination:**

By sending me your gift, you thanked me for the good collaboration. I was also pleased with the successful and trustworthy collaboration and would like to express my sincere gratitude.

For this reason, I presume that you will be able to understand my reasons for not wishing to accept your gift. If only to avoid the appearance of a possible acceptance of advantages, as a public sector employee, I do not feel able to accept such benefits.

That is why I am allowing myself to return your gift and hope you are able to understand this course of action. Please refrain from any further benefits in the future.

Principles for Sponsorship, Advertising, Donations and Patronage for Financing Public Tasks

The following principles apply to the performance of public tasks by the respective state authority:

- Maintain the integrity of public administration
- Avoid the appearance of being influenceable during the performance of public tasks
- Secure the parliament's right to determine budgets
- Complete transparency in the financing of public tasks
- Prevent every kind of corruption and illicit taking of advantage and support measures to prevent corruption
- Ensure public tasks are generally financed by public funds via the budgetary legislator.

1 Sponsorship

Sponsorship is the donation of money or a benefit of monetary value for the fulfilment of state tasks by a natural person or legal entity with business interests, whose motive is not only to provide support to a public institution, but also to pursue their own interests. The person donating the money aims to use the sponsored measure to enhance their public profile (image gain, communicative effect).

1.1 Admissibility

Sponsorship must not damage the interests and public reputation of the state. That is why sponsorship can only be considered in exceptional circumstances and as a supplementary financing option. The kind and scope of sponsorship must not exceed the measures financed by public funds.

Sponsorship is permitted, in particular, for purposes related to public relations, culture, education, environmental protection, preventive measures, sports and social causes, if no influence is taken on the content.

Third parties (e.g. event agencies) can also be commissioned with the acquisition and administration of sponsorship funds.

Sponsorship is inadmissible if it could appear that sponsorship is influencing administrative procedures. This can be the case, in particular, if sponsorship is used for tasks that mainly belong to the authorities' core responsibilities. This applies to the following tasks:

- Realisation of administrative measures or issuing of permissions, as well as exercising further tasks in which authorities are entitled to intervene in individuals' rights (e.g. police, tax administration, administration of justice, enforcement of sentences)
- Exercising supervisory powers
- Granting funds
- Awarding public contracts
- Realisation of tasks related to public planning
- Awarding services provided by public welfare institutions (e.g. authorities responsible for social benefits, pension authorities and social security authorities)
- Realisation of school and professional examinations or aptitude tests
- Realisation of tasks related to the German domestic intelligence services.

Sponsors' permanent provision of staff to the public administration or their financing of staff in budget-financed positions is illicit. This does not apply to members of scientific staff, including endowed professorships, in the higher education sector.

Furthermore, sponsorship is inadmissible if the budgetary legislator clearly does not agree to the performance of the task, or has authorised no or only a limited amount of expenses for a certain purpose due to reasons that are not of financial manner.

Benefits in kind are only permitted if the financing of the follow-up costs can be guaranteed. Acceptance of sponsorship must not be linked to a commitment for future (follow-up) purchases. If there are several sponsorship offers, neutrality must be ensured when deciding which offer to choose. Equal opportunities must be guaranteed for competing sponsors in the selection process. If there is more than one possible sponsor, the reasons for selecting one offer must be recorded in writing. This does not make it impossible to close further sponsorship contracts with other sponsors to support the same purpose, even if this concerns the sponsor's direct competitors. It is inadmissible to exclude competitors of a sponsor when realising a measure, e.g. at an event. Sponsors may not receive any exclusive rights.

1.2 Realisation

1.2.1

Approval must be obtained from the competent supreme state authority prior to accepting the sponsorship. It can delegate its decision-making powers to directly subordinate authorities as long as the sponsorship is not for that authority's own benefit. The supreme state authorities can enact additional regulations for their own areas of activity in consultation with the Ministry of Finance.

1.2.2

Comprehensive details of the sponsorship shall be recorded on file. The documentation shall include the activity being sponsored, the specific services provided by the sponsor, including the kind and amount, and the obligations assumed by the authority. The sponsor must be informed about the minimum details that will be published pursuant to number 1.2.4

A written sponsorship contract must be concluded with the sponsor for sponsorship services in excess of 500 euros.

1.2.3

Any payment received from the sponsor is state revenue that must be accounted for in the state budget. The provisions pertaining to budgetary law must be observed when accounting for the receipt and expenditure of the funds. This also applies to third parties commissioned with the acquisition and administration of sponsorship funds (Number 1.1).

1.2.4

Sponsorship details must be made available to the public in a transparent manner. The supreme state authorities will therefore publish on the internet the details of all kinds of sponsorship (including benefits in kind and rendered services) in their area of responsibility that have a monetary value in excess of 1,000 euros for each individual case or per sponsor and calendar year. An annual overview will be published in a prominent position on the portal "www.regierung-mv.de" [de]

The following minimum details must be included in the overview:

- Name of the sponsor (specific details)
- Amount of sponsorship money received or description of the benefit in kind or service with indication of full monetary value
- Information on how it was used

Sponsorship cannot be accepted if the sponsor does not wish to be named.

2 Advertising

Advertising is to be understood as contributions from a business or business-minded private individual for the public administration's dissemination of advertising messages if the sole aim is the attainment of the business or private individual's own communication goals (e.g. sales promotion, product information).

Supporting the corresponding public institution is only a means to an end and does not lie in the direct interest of the donor.

The principles for the administrative treatment of sponsorship pursuant to numbers 1.1 and 1.2 also apply to the implementation of advertising contracts.

3 Donations and Patronage

3.1

Donations are contributions from private individuals or businesses that primarily aim to promote the respective authority or institution. The donor does not expect anything in return.

In accordance with § 10b EStG, donations are tax deductible. The donor shall receive a confirmation of the monetary or material donation in line with the templates issued by the Federal Ministry of Finance (BStBl. I 2013, p. 1333).

3.2

Patronage covers donations from private individuals or foundations pursuing exclusively altruistic goals and who are only interested in supporting the respective public purpose.

3.3

The principles of the administrative treatment of sponsorship pursuant to numbers 1.1 and 1.2 also apply to donations and patronage. However, deviating from these regulations, a written contract is not required for donations or patronage. The donor can oppose the publication of their details.