

Extract from the law on the protection of citizens' personal data (Federal State Data Protection Act; DSG M-V) of 22 May 2018 (Statute Book for Mecklenburg-Western Pomerania; Gesetz- und Verordnungsblatt M-V)

Section 9

Data processing for academic or historical research

- (1) Public authorities may process personal data, including specific categories of personal data within the meaning of Article 9 Para.1 of Directive (EU) 2016/679, for a particular research project without consent if the interests of the data subject are not adversely affected by the nature of the data, either because of their transparency or the nature of the use, or if the public interest in the implementation of the data research project significantly outweighs the interests of the data subject in terms of protection needs and the purpose of the research cannot be achieved in any other way. In the event of transmission, the personal data may not be processed for purposes other than for research.
- (2) Insofar as this is possible according to the purpose of the research, the data must be redacted so that the individual information on personal or factual circumstances cannot be attributed to a specific or identifiable natural person, or only with disproportionate time, cost and labour efforts. Until then, any information revealing the personal or factual circumstances that could be attributed to a specific or identifiable natural person shall be stored separately. This must be deleted insofar as the purpose of the research allows.
- (3) Public bodies engaged in academic or historical research can publish personal data only if
 1. the data subject has given their consent or
 2. if this is indispensable to the presentation of research results on events in contemporary history.
- (4) Personal data can be transferred to third parties or entities which are not subject to the provisions of this Act in accordance with Para. 1 (1) only if they undertake to comply with the provisions of Para. 1 (2) and Para. 2 and 3.
- (5) The right to information under Article 15 of Directive (EU) 2016/679, to correction under Article 16 of Directive (EU) 2016/679, to restrict processing under Article 18 of Directive (EU) 2016/679 and to object under Article 21 of Directive (EU) 2016/679 does not exist to the extent that to exercise these rights would render the specific research purposes impossible or seriously impair them and if such exceptions for the fulfilment of these purposes are required or if these rights cannot be exercised or granted.

Section 15

Establishment

- (1) The supervisory authority shall be established by the President of the federal state parliament. The supervisory authority holds the official title of 'The State Data Protection Officer'.

Section 19

Tasks and powers

- (1) The supervisory authority is the competent supervisory authority within the meaning of Article 51 Para. 1 of Directive (EU) 2016/679 and Article 41 Para. 1 of Directive (EU) 2016/680 in the state of Mecklenburg-Western Pomerania. It is also responsible for supervising compliance with data protection regulations where data processing is not subject to Directive (EU) 2016/679 or Directive (EU) 2016/680, unless the supervisory power is excluded by special regulations.

- (2) The supervisory authority is also a supervisory authority in accordance with Section 40 of the Federal Data Protection Act for the data processing for non-civil servant positions in the state of Mecklenburg-Western Pomerania.
- (3) The supervisory authority shall be responsible for the prosecution and fines for administrative offences within its capacity assigned under Directive (EU) 2016/679 and Para. 2.
- (4) The supervisory authority shall not have jurisdiction to the extent that religious communities governed by public law which apply comprehensive data protection rules in accordance with Section 2 Para. 6 are subject to a separate ecclesiastical supervisory authority which meets the provisions of Chapter VI of Directive (EU) 2016/679.

Section 22

Administrative offences

- (1) Anyone who violates the provisions of Directive (EU) 2016/679, of this Law or of any other legislation on the protection of personal data, by providing personal data that is not in the public domain, or
 1. collects, stores, uses without permission, modifies, transmits, forwards, provides for retrieval, deletes,
 2. accesses or views such data, or otherwise obtains information to be transmitted to oneself or to others through misrepresentation, is committing an offence.

It is also an offence to, under the conditions referred to in Clause 1, collate details on the personal or factual circumstances of an unidentifiable person with other information and thereby reveal the identity of the data subject.

- (2) The offence is punishable with a fine of up to fifty thousand euros.
- (3) No fines shall be imposed on public authorities or other public bodies within the meaning of Section 2 Paras. 1 to 3.

Section 23

Criminal offences

- (1) Any person who commits any of the acts referred to in Section 22 Para. 1 for remuneration or with the intention of enriching him-/herself or harming another person shall be punished with a custodial sentence of up to 2 years or fined.
- (2) The offence shall be prosecuted only on application. The data subject, the supervisor, the processor(s) and the supervisory authority are entitled to apply.

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

Unofficial Table of Contents

- Summary of the Contents
- I General Information
 - I.1 Objectives
 - I.2 Scope of Application
 - I.3 Definitions
 - I.3.1 Corruption and Advantages
 - I.3.2 Employees
 - I.3.3 In Relation to a Public Office
 - I.3.4 Competent Body
 - I.4 Areas at Risk of Corruption and Areas Particularly at Risk of Corruption
- 2 Prevention
 - 2.1 Measures for Members of Staff
 - 2.1.1 Raising Employees' Awareness for the Risk of Corruption
 - 2.1.2 Prohibition of Accepting Rewards, Gifts or other Advantages
 - 2.1.2.1 Principle
 - 2.1.2.2 Exceptions
 - 2.1.2.3 Tacit Approvals
 - 2.1.3 Initial Training and Continuing Professional Development
 - 2.1.4 Management Responsibility
 - 2.1.5 Staff Selection and Rotation
 - 2.2 Organisational Measures
 - 2.2.1 Threat Analysis and Risk Assessment
 - 2.2.2 Contact for the Prevention of Corruption
 - 2.2.3 Multi-Level Approval, Transparency and Prohibitions on Participation
 - 2.2.4 Setting up an Internal Audit
 - 2.3 Procedure for Awarding Contracts
 - 2.3.1 Principles
 - 2.3.2 Separation of Planning, Awarding of Contracts and Accounting

- 2.3.3 Principle of Tendering with Unlimited Number of Participants
- 2.3.4 Involvement of Freelancers
- 2.3.5 Formal Commitment of Non-Civil Servants
- 3 Conduct in the Event of Suspected Corruption
 - 3.1 Duties of the Employees
 - 3.2 Involving Law Enforcement Authorities
 - 3.3 Further Procedure
- 4 Sponsorship, Advertising, Donations, Patronage
- 5 Additional Regulations
- 6 Appendices
- 7 Entry into Force, Expiry
- Annexes (unofficial list)

2030-50

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

Administrative provision from the State Government
of 10 May 2022 – II 150 - 0207-20000-2022/003 –
VV Meckl.-Vorp. Gl.-Nr. 2030 – 50

Reference: AmtsBl. M-V 2022 p. 250

Summary of the Contents

- 1 General Information**
 - 1.1 Objectives
 - 1.2 Scope of Application
 - 1.3 Definitions
 - 1.3.1 Corruption and Advantages
 - 1.3.2 Employees
 - 1.3.3 In Relation to a Public Office
 - 1.3.4 Competent Body
 - 1.4 Areas at Risk of Corruption and Areas Particularly at Risk of Corruption
- 2 Prevention**
 - 2.1 Measures for Members of Staff
 - 2.1.1 Raising Employees' Awareness for the Risk of Corruption
 - 2.1.2 Prohibition of Accepting Rewards, Gifts or other Advantages

- Page 2 of 16 -

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.

- 2.1.2.1 Principle
- 2.1.2.2 Exceptions
- 2.1.2.3 Tacit Approvals
- 2.1.3 Initial Training and Continuing Professional Development
- 2.1.4 Management Responsibility
- 2.1.5 Staff Selection and Rotation
- 2.2 Organisational Measures
- 2.2.1 Threat Analysis and Risk Assessment
- 2.2.2 Contact for the Prevention of Corruption
- 2.2.3 Multi-Level Approval, Transparency and Prohibitions on Participation
- 2.2.4 Setting up an Internal Audit
- 2.3 Procedure for Awarding Contracts
- 2.3.1 Principles
- 2.3.2 Separation of Planning, Awarding of Contracts and Accounting
- 2.3.3 Principle of Tendering with Unlimited Number of Participants
- 2.3.4 Involvement of Freelancers
- 2.3.5 Formal Commitment of Non-Civil Servants
- 3 Conduct in the Event of Suspected Corruption**
- 3.1 Duties of the Employees
- 3.2 Involving Law Enforcement Authorities
- 3.3 Further Procedure
- 4 Sponsorship, Advertising, Donations, Patronage**
- 5 Additional Regulations**
- 6 Appendices**
- 7 Entry into Force, Expiry**

Appendix 1: Instruction

Appendix 2: Anti-Corruption Code of Conduct

Appendix 3: Guidelines for Line Managers and Superiors

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

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 1: Instruction

Appendix 2: Anti-Corruption Code of Conduct

Appendix 3: Guidelines for Line Managers and Superiors

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

Anlage 1
(zu den Nummern 2.1.1 und 6)

(Behörde, Anschrift)

zuständige Stelle i. R. d.
Geschäftsverteilung:

_____ (zum Beispiel Abt./Ref./Dez. (-Leiter/in))

Erstmalige Belehrung über die

**„Verhütung und Bekämpfung von Korruption in der Landesverwaltung
Mecklenburg-Vorpommern“ (Korruptionsbekämpfungsrichtlinie – KorRL M-V)**

bei Aufnahme der Beschäftigung

Ich, Frau/Herr _____

bin heute über den Inhalt der Verwaltungsvorschrift der Landesregierung zur Verhütung und Bekämpfung von Korruption in der Landesverwaltung Mecklenburg-Vorpommern (Korruptionsbekämpfungsrichtlinie – KorRL M-V) vom 10. Mai 2022 – II 150 – 0207-2000-2022/003 – belehrt worden.

Insbesondere wurde ich über den Unrechtsgehalt der Korruption und ihre dienst- oder arbeits- und strafrechtlichen Folgen belehrt. Ich bin ausdrücklich auf das Verbot der Annahme von Belohnungen, Geschenken oder sonstigen Vorteilen sowie auf den Anti-Korruptions-Verhaltenskodex für die Beschäftigten in der Landesverwaltung Mecklenburg-Vorpommern (Anlage 2 der KorRL M-V) hingewiesen worden.

Mir ist bekannt, dass ein Verstoß gegen diese Vorschrift bei Beamtinnen und Beamten ein Dienstvergehen darstellen kann (§ 47 BeamStG) und ich mich strafrechtlich der Vorteilsannahme und bei Verletzung meiner Dienstpflichten wegen Bestechlichkeit schuldig machen kann (§§ 331, 332 StGB). Mir ist ebenfalls bekannt, dass bereits der Versuch strafbar ist.

Ich bin darauf hingewiesen worden, dass neben der Verhängung einer Freiheits- oder Geldstrafe weitere Rechtsfolgen gesetzlich vorgesehen sind:

Bei einer Verurteilung wegen Vorteilsannahme zu einer Freiheitsstrafe von mindestens einem Jahr oder wegen Bestechlichkeit zu einer Freiheitsstrafe von mindestens sechs Monaten endet das Beamtenverhältnis kraft Gesetzes mit der Rechtskraft des Urteils (§ 24 Absatz 1 BeamStG). Wegen einer vor Beendigung des Beamtenverhältnisses begangenen Tat gehen mit der Rechtskraft der Entscheidung die Rechte als Ruhestandsbeamtin oder als Ruhestandsbeamter verloren (§ 59 BeamtVG). Gleichzeitig mit dem strafrechtlichen Ermittlungsverfahren wird in der Regel ein förmliches Disziplinarverfahren durchgeführt, bei dem neben dem Ergebnis der strafrechtlichen Ermittlung weitere Disziplinarmaßnahmen bis zur Entfernung aus dem Dienst, bei Ruhestandsbeamtinnen oder Ruhestandsbeamten bis zur Aberkennung des Ruhegehalts, getroffen werden können. Darüber hinaus haftet die Beamtin oder der Beamte für den durch ihre oder seine rechtswidrige vorsätzliche oder grob fahrlässige Tat entstandenen Schaden (§ 48 BeamStG).

Für Arbeitnehmerinnen und Arbeitnehmer gilt das Verbot der Annahme von Belohnungen, Geschenken oder sonstigen Vorteilen in Bezug auf ihre dienstlichen Tätigkeiten gleichermaßen (§ 3 Absatz 3 TV-L). Die Verletzung dieser Pflichten kann einen wichtigen Grund zur fristlosen Kündigung des Beschäftigungsverhältnisses darstellen. Im Sinne des Strafrechts sind Arbeitnehmerinnen und Arbeitnehmer Beamtinnen und Beamten gleichgestellt. Wenn Sie für die Dienstausübung Vorteile annehmen, fordern oder sich versprechen lassen, können Sie sich der Vorteilsannahme und bei Verletzung ihrer Dienstpflichten wegen Bestechlichkeit schuldig machen (§§ 331, 332 StGB).

Disziplinar- und arbeitsrechtliche Verfahren werden in Fällen von Korruption, auch unterhalb der Strafbarkeitsschwelle, mit Nachdruck und unter besonderer Beachtung des Beschleunigungsgebots betrieben.

Relevante strafrechtliche Korruptionsdelikte nach dem StGB sind insbesondere:

- § 299 StGB Bestechlichkeit und Bestechung im geschäftlichen Verkehr
- § 299a StGB Bestechlichkeit im Gesundheitswesen
- § 331 StGB Vorteilsannahme
- § 332 StGB Bestechlichkeit
- § 333 StGB Vorteilsgewährung
- § 334 StGB Bestechung
- § 336 StGB Unterlassen der Diensthandlung

Diese Delikte werden oft von weiteren Straftaten begleitet, von denen zum Beispiel folgende Tatbestände relevant sind:

- § 204 StGB Verwertung fremder Geheimnisse
- § 246 StGB Unterschlagung
- § 258a StGB Strafvereitelung im Amt
- § 263 StGB Betrug
- § 264 StGB Subventionsbetrug
- § 266 StGB Untreue
- § 267 StGB Urkundenfälschung
- § 298 StGB Wettbewerbsbeschränkende Absprachen bei Ausschreibungen
- § 339 StGB Rechtsbeugung
- § 348 StGB Falschbeurkundung im Amt
- § 353b StGB Verletzung des Dienstgeheimnisses und einer besonderen Geheimhaltungspflicht
- § 357 StGB Verleitung eines Untergebenen zu einer Straftat

Ein Abdruck der Korruptionsbekämpfungsrichtlinie einschließlich des Anti-Korruptions-Verhaltenskodex für die Beschäftigten in der Landesverwaltung Mecklenburg-Vorpommern ist mir ausgehändigt worden.

**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 themselves the goal of fighting corruption. This corresponds to the obligations assumed by all members of staff towards their employer when they commenced employment (§ 42 BeamStG, § 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 BeamStG/ § 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 BeamStG/ § 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.

**Leitfaden für Vorgesetzte
zur Verhütung und Bekämpfung von Korruption in der Landesverwaltung Mecklenburg-
Vorpommern**

Als Vorgesetzte haben Sie eine Vorbildfunktion und Fürsorgepflicht für die Ihnen unterstellten Beschäftigten.

Ihr Verhalten, aber auch Ihre Aufmerksamkeit sind von großer Bedeutung für die Korruptionsprävention. Sie sollten daher eine aktive, vorausschauende Personalführung und -kontrolle praktizieren. Insbesondere sollten Sie klare Zuständigkeitsregelungen und transparente Aufgabenbeschreibungen für die Ihnen unterstellten Beschäftigten sowie eine angemessene Kontrolldichte sicherstellen.

Schwachstellen und Einfallstore für Korruption sind zum Beispiel:

1. mangelhafte Aufsicht und Kontrolle,
2. blindes Vertrauen gegenüber langjährigen Beschäftigten und spezialisierten Beschäftigten,
3. charakterliche Schwächen von Beschäftigten in korruptionsgefährdeten Bereichen,
4. negatives Vorbild von Vorgesetzten bei der Annahme von Präsenten,
5. ausbleibende Konsequenzen nach aufgedeckten Manipulationen und dadurch keine Abschreckung.

I. Präventionsmaßnahmen

Sie können den vorgenannten Schwachstellen durch folgende Maßnahmen begegnen:

1 Belehrung und Sensibilisierung

Sprechen Sie mit den Ihnen unterstellten Beschäftigten in regelmäßigen Abständen anhand des "Anti-Korruptions-Verhaltenskodex für die Beschäftigten in der Landesverwaltung Mecklenburg-Vorpommern" über die Verpflichtungen, die sich aus dem Verbot der Annahme von Belohnungen und Geschenken ergeben. Insbesondere die regelmäßige Aufklärung und das offene Gespräch über Ursachen, begünstigende Faktoren, Manipulations- und Korruptionsstrukturen tragen dazu bei, Korruption den Boden zu entziehen und ein Klima zu schaffen, das es den Beschäftigten ermöglicht, auf korruptionsanfällige Strukturen und gegebenenfalls auf einen Korruptionsverdacht hinzuweisen.

2 Vorbildfunktion

Wenden Sie die Regeln der Korruptionsprävention für sich selbst konsequent an. Zeigen Sie auf, dass Ihre persönlichen Wertmaßstäbe und Ihre Orientierung an ethischen Grundsätzen Werte sind, die durch wirtschaftliche Anreize nicht berührt werden können. Vorgesetzte wirken unglaublich, wenn sie die für ihre Beschäftigten geltenden Verhaltensregeln selbst nicht beachten. Beschäftigte werden sich nicht vertrauensvoll mit Hinweisen auf Unrechthandlungen an Vorgesetzte wenden, die selbst Rechtsvorschriften missachten.

Nutzen Sie außerdem die Fortbildungsangebote zur Korruptionsprävention, um sich mit den Erscheinungsformen der Korruption vertraut zu machen.

3 Fürsorge

In korruptionsgefährdeten Arbeitsgebieten erfordert Korruptionsprävention eine erhöhte Fürsorge für die Beschäftigten.

- a) Berücksichtigen Sie stets die erhöhte Gefährdung Einzelner.
- b) Der ständige Dialog ist ein Mittel der Fürsorge.
- c) Beachten Sie dienstliche und private Probleme Ihrer Beschäftigten.
- d) Entbinden Sie Ihnen unterstellte Beschäftigte von Aufgaben, wenn Ihnen Interessenkollisionen durch Nebentätigkeiten oder durch Tätigkeiten von Angehörigen bekannt werden.
- e) Besondere Wachsamkeit ist bei erkennbarer Überforderung oder Unterforderung Einzelner

- geboten.
- f) Ihrer erhöhten Aufmerksamkeit bedarf es, wenn Ihnen persönliche Schwächen (zum Beispiel Suchtprobleme, Hang zu teuren, schwer zu finanzierenden Hobbys) oder eine Überschuldung bekannt werden. Beschäftigte, deren wirtschaftliche Verhältnisse nicht geordnet sind, sollen –soweit dies bekannt ist– im Beschaffungswesen sowie auf Dienstposten, auf denen sie der Gefahr einer unlauteren Beeinflussung durch Dritte besonders ausgesetzt sind, nicht eingesetzt werden.
 - g) Schließlich müssen Sie auch bei offen vorgetragener Unzufriedenheit mit dem Dienstherrn besonders wachsam sein und versuchen, dem entgegenzuwirken.

4 Organisatorische Maßnahmen

Achten Sie auf klare Definitionen und gegebenenfalls auf Einschränkungen der Entscheidungsspielräume. Erörtern Sie die Delegationsstrukturen, die Grenzen der Ermessensspielräume und die Notwendigkeit von Mitzeichnungspflichten.

Ist in besonders korruptionsgefährdeten Arbeitsgebieten die Vorgangsbearbeitung nach numerischen oder Buchstabensystem auf die Beschäftigten aufgeteilt, ist darauf zu achten, dass keine verfestigten Strukturen zwischen den Beschäftigten und Dritten entstehen. Dies kann zum Beispiel durch Einzelzuweisung nach dem Zufallsprinzip oder wiederholten Wechsel der Nummern- oder Buchstabenzuständigkeiten erfolgen.

Realisieren Sie möglichst in allen Angelegenheiten das Mehr-Augen-Prinzip. Eventuell bietet sich die Bildung von Arbeitsteams oder -gruppen an. Prüfen Sie, ob die Begleitung einzelner Beschäftigter durch weitere Beschäftigte zu Außenterminen und die Einrichtung von "gläsernen Büros" für die Abwicklung des Besucherverkehrs geboten ist, damit Außenkontakte der Dienststelle nur nach dem Mehr-Augen-Prinzip wahrgenommen werden. Lässt sich dies auf Grund tatsächlicher Umstände nicht realisieren, nehmen Sie Kontrollen in nicht zu großen zeitlichen Abständen vor.

Ist in Ihrer Dienststelle die Zweierbelegung von Diensträumen nicht ungewöhnlich, so nutzen Sie dies ebenfalls zur Korruptionsprävention in besonders korruptionsgefährdeten Arbeitsgebieten, zum Beispiel durch sporadischen Wechsel der Raumbesetzungen (auch ohne Aufgabenänderung für die Beschäftigten).

5 Aufsicht, Führungsstil

Machen Sie sich bewusst, dass es bei Korruption in der Regel keinen beschwerdeführenden Geschädigten gibt und Korruptionsprävention deshalb wesentlich von Ihrer Sensibilität und der Sensibilisierung Ihrer Beschäftigten abhängt. Ein falsch verstandener kooperativer Führungsstil oder eine "laissez-faire"-Haltung können in besonders korruptionsgefährdeten Bereichen verhängnisvoll sein.

Versuchen Sie deshalb,

- a) die Vorgangskontrolle zu optimieren, indem Sie Kontrollmechanismen (zum Beispiel Wiedervorlagen) in den Geschäftsablauf einbauen,
- b) das Abschotten oder eine Verselbständigung einzelner Beschäftigter zu vermeiden,
- c) dem Auftreten von Korruptionsindikatoren besondere Wachsamkeit zu schenken,
- d) stichprobenweise das Einhalten vorgegebener Ermessensspielräume zu überprüfen.

II. Anzeichen für Korruption, Warnsignale

Korruptes Verhalten ist häufig mit Verhaltensweisen verbunden, die als Korruptionsindikatoren gewertet werden können. Diese Wertung ist dennoch mit Unwägbarkeiten verbunden, weil einige der Indikatoren als neutral oder sogar positiv gelten, obwohl sie sich nachträglich als verlässliche Signale erwiesen haben.

Keiner der Indikatoren ist ein "Nachweis" für Korruption. Die Indikatoren können Warnsignale im Hinblick auf Korruptionsgefährdung sein, haben allerdings für sich allein betrachtet nur eine geringe Aussagekraft und lassen nicht zwangsläufig auf ein Fehlverhalten schließen. Die Bewertung ist daher im Einzelfall mit größter Sorgfalt durchzuführen.

Wenn Ihnen aber aufgrund von Äußerungen oder Beobachtungen ein Verhalten auffällig

erscheint oder Hinweise von Dritter Seite erfolgen, müssen Sie prüfen, ob ein konkreter Korruptionsverdacht gerechtfertigt ist.

Die vielfältigen Erscheinungsformen der Korruption führen dazu, dass Indikatorenkataloge, wie im Folgenden beispielhaft dargestellt, nicht den Anspruch auf Vollständigkeit erheben und in unterschiedlichen Gefährdungsbereichen voneinander abweichen können.

1 Neutrale Indikatoren, Indikatoren im Verhalten

- a) auffallender und unerklärlich hoher Lebensstandard, aufwändiger Lebensstil, Vorzeigen von Statussymbolen,
- b) auffällige private Kontakte zwischen Beschäftigten und Dritten (zum Beispiel Einladungen, Nebentätigkeiten, Berater- oder Gutachterverträge, Kapitalbeteiligungen),
- c) unerklärlicher Widerstand gegen eine Aufgabenänderung oder eine Umsetzung, insbesondere, wenn sie mit einer Beförderung oder zumindest der Aussicht darauf verbunden wäre,
- d) Ausübung von Nebentätigkeiten ohne entsprechende Genehmigung beziehungsweise Anzeige,
- e) atypisches, nicht erklärbares Verhalten (als mögliche Folge zum Beispiel aufgrund eines bestehenden Erpressungsverhältnisses oder schlechten Gewissens), aufkommende Verschlossenheit, plötzliche Veränderungen im Verhalten gegenüber Kolleginnen und Kollegen und Vorgesetzten,
- f) abnehmende oder fehlende Identifizierung mit dem Dienstherrn/Arbeitgeber oder den Aufgaben,
- g) soziale Probleme (zum Beispiel Alkohol-, Drogen- oder Spielsucht),
- h) Geltungssucht, Prahlen mit Kontakten im dienstlichen und privaten Bereich,
- i) Inanspruchnahme von Vergünstigungen Dritter (Sonderkonditionen beim Einkauf, Freihalten in Restaurants, Einladungen zu privaten oder geschäftlichen Veranstaltungen von "Verwaltungskunden").

2 Alarmindikatoren

Außer den eher neutralen oder verhaltensbezogenen Indikatoren gibt es solche, die als charakteristisch für die Verwaltungskorruption betrachtet werden und deshalb als "Alarmindikatoren" eingestuft werden müssen:

2.1 Dienststelleninterne Indikatoren

- a) Umgehen oder "Übersehen" von Vorschriften, zunehmende Unregelmäßigkeiten, Abweichungen zwischen tatsächlichem Vorgangsablauf und späterer Dokumentation,
- b) ungewöhnliche Entscheidungen ohne nachvollziehbare Begründung,
- c) unterschiedliche Bewertungen und Entscheidungen bei Vorgängen mit gleichem Sachverhalt und verschiedenen antragstellenden Personen, Missbrauch von Ermessensspielräumen,
- d) Erteilung von Genehmigungen unter Umgehung anderer zuständiger Stellen,
- e) gezielte Umgehung von Kontrollen, Abschottung einzelner Aufgabengebiete,
- f) Verheimlichen von Vorgängen,
- g) auffallend kurze Bearbeitungszeiten bei einzelnen (begünstigenden) Entscheidungen,
- h) Parteinahme für bestimmte antragstellende oder bietende Personen,
- i) Verharmlosung des Sparsamkeitsprinzips,
- j) Versuche der Beeinflussung von Entscheidungen bei Aufgaben, die nicht zum eigenen Zuständigkeitsbereich gehören und bei denen Drittinteressen von Bedeutung sind,
- k) stillschweigende Duldung von Fehlverhalten, insbesondere bei rechtswidrigem Verhalten,
- l) fehlende oder unzureichende Vorgangskontrolle dort, wo sie besonders notwendig wäre, zu schwach ausgeprägte Aufsichts- und Kontrollfunktion über unterstellte Beschäftigte,
- m) Ausbleiben von Reaktionen auf Verdachtsmomente oder Vorkommnisse,
- n) zu große Aufgabenkonzentration auf eine Person.

2.2 Indikatoren im Bereich der Außenkontakte

- a) auffallend entgegkommene Behandlung von antragstellenden Personen,

- b) Nebentätigkeiten von Beschäftigten oder Tätigkeiten ihrer Angehörigen für Firmen, die gleichzeitig Auftragnehmer oder Antragsteller der öffentlichen Verwaltung sind,
- c) "kumpelhafter" Umgangston oder auffallende Nachgiebigkeit bei Verhandlungen mit Unternehmen,
- d) Ausspielen von (vermeintlichen) Machtpositionen durch Unternehmen,
- e) häufige "Dienstreisen" zu bestimmten Firmen (auffallend insbesondere dann, wenn eigentlich nicht erforderliche Übernachtungen anfallen),
- f) häufige „Firmenbesuche“ von Unternehmen in der Dienststelle (bei bestimmten Entscheidungsträgern oder Sachbearbeitern) oder Vorsprache von Unternehmen nur dann, wenn (bestimmte) Beschäftigte "Ihrer" Dienststelle anwesend sind,
- g) Ausbleiben von Konflikten mit Unternehmen beziehungsweise Antragstellerinnen/Antragstellern dort, wo sie üblicherweise vorkommen,
- h) auffallende Großzügigkeit von Unternehmen,
- i) Eingänge ohne Eingangsstempel (Eingang "über die persönliche Schiene"),
- j) Beschaffungen zum marktunüblichen Preis, unsinnige Anschaffungen, Abschluss langfristiger Verträge ohne transparenten Wettbewerb mit für die Dienststelle ungünstigen Konditionen,
- k) Bevorzugung der Vergabe mit beschränktem Teilnehmerkreis, Splitten von Aufträgen, um ein eingeschränktes Vergabeverfahren zu ermöglichen, Vermeiden des Einholens von Vergleichsangeboten,
- l) erhebliche beziehungsweise wiederholte Überschreitung der vorgesehenen Auftragswerte,
- m) auffallend häufige "Rechenfehler", Nachbesserungen in Leistungsverzeichnissen,
- n) aufwändige Nachtragsarbeiten.

Als Warnsignale werden ferner Andeutungen im Kollegenkreis, Gerüchte von außen sowie anonyme Hinweise (zum Beispiel von benachteiligten und dadurch in finanzielle Schwierigkeiten geratenen Unternehmen) bezeichnet. Diese Signale sind noch deutlicher, wenn sie sich häufen und auf bestimmte Personen oder Arbeitsgebiete konzentrieren. Dennoch ist eine ständige Gewichtung und Analyse der "Gerüchteküche" unabdingbar, um Missbrauch auszuschließen.

III. Verhalten bei Verdachtsmomenten

Bei konkreten und nachvollziehbaren Anhaltspunkten für einen Korruptionsverdacht müssen Sie unverzüglich die in Ihrer Dienststelle zuständige Stelle oder die Ansprechperson für Korruptionsvorsorge informieren. Die zuständige Stelle wird prüfen, ob es zweckmäßig oder sogar rechtlich geboten ist, die Polizei oder Staatsanwaltschaft einzuschalten.

Eventuell erfordern die Umstände auch, dass Sie selbst sofort geeignete Maßnahmen gegen eine Verschleierung ergreifen.

Infrage kommen insbesondere

- a) der Entzug bestimmter laufender oder abgeschlossener Vorgänge,
- b) das Verbot des Zugangs zu Akten,
- c) die Sicherung des Arbeitsraumes, der Aufzeichnungen mit dienstlichem Bezug oder der Arbeitsmittel (zum Beispiel Computer und Diensttelefon).

Das Maß und der Umfang der gebotenen Maßnahmen richten sich nach den Umständen des Einzelfalles.

Eigene weitergehende Ermittlungen sind dagegen durch Sie nicht anzustellen.

Haben sich Beschäftigte mit einem Hinweis an Sie gewandt, schützen Sie diese vor Vorwürfen aus dem Kollegenkreis. Es handelt sich nicht um einen Verrat. In der Regel ist den Beschäftigten an einer integren Verwaltung gelegen. Respektieren Sie gegebenenfalls den Wunsch des Hinweisgebers nach Vertraulichkeit. Soweit es sich jedoch offensichtlich um haltlose Vorwürfe handelt, sollten Sie dies dem Hinweisgeber gegenüber deutlich zum Ausdruck bringen.

Bedenken Sie, dass Korruption kein "Kavaliersdelikt" und ein Vertuschen auch Ihrem Ansehen schädlich ist.

Bei Verletzung Ihrer Pflichten können Sie sich eines Dienstvergehens schuldig und strafbar machen.

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.