



First instruction on

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

at commencement of employment

I, Ms./Mr.:

have today been informed about the contents of the State Government’s administrative provision to prevent and combat corruption in Mecklenburg-Vorpommern’s state administration Korruptionsbekämpfungsrichtlinie - KorRL M-V (Guidelines on Combatting Corruption) of 10 May 2022 – II 150 – 0207-2000-2022/003 –.

In particular, I was informed about the unlawfulness of corruption and the related consequences pertaining to civil service, employment and criminal laws. My attention was drawn specifically to the prohibition against accepting rewards, presents or other benefits, as well as the Anti-Corruption Code of Conduct for employees of Mecklenburg-Vorpommern’s state administration (Appendix 2 KorRL M-V).

I am aware that any violation of these provisions can represent a breach of duty for civil servants (§ 47 BeamtStG) and that I could be found guilty in the terms of criminal law of accepting an advantage and of corruption if I have violated my civil service duties (§§ 331, 332 StGB). I am also aware that a mere attempt is considered an offence.

I have received notification, that in addition to the imposition of a prison sentence or fine, further legal consequences are provided for by law:

If a civil servant is sentenced to a prison term of at least one year for accepting a benefit, or a prison term of at least six months due to corruption, then their position as a civil servant ends by operation of law when the judgement takes legal effect (§ 24(1) BeamtStG). If an offence has been committed prior to the termination of service for a civil servant, the civil servant will lose their rights as a retired civil servant as soon as the decision takes legal effect (§ 59 BeamtVG). As a general rule of principle, at the same time as the criminal investigation procedure is underway, a formal disciplinary procedure will take place, which, in addition to the result of the criminal investigations, can result in disciplinary measures that can lead up to the removal from service, or, for retired civil servants, the revocation of pension payments. Furthermore, the civil servant is liable for any damage arising from their illegal intentional or grossly negligent actions (§ 48 BeamtStG).

The prohibition about accepting awards, presents or other benefits when performing work tasks also applies to public service employees (§ 3(3) TV-L).

Violating these obligations can be considered an important reason for justifying termination of the employment contract without notice. Criminal law makes no difference between public service employees and civil servants. If you accept, demand or accept a promise of advantages, you can be found guilty of accepting a benefit and, if you violate your work obligations, corruption (§§ 331, 332 StGB).

In cases of corruption, even at a level that is not yet considered punishable by criminal law, thorough procedures based on disciplinary and employment laws will be held that pay special attention to the need for fast action.

Relevant criminal corruption offences pursuant to the StGB include, in particular:

- § 299 StGB Taking and giving bribes in commercial practice
- § 299a StGB Taking bribes in the healthcare sector
- § 331 StGB Accepting benefits
- § 332 StGB Taking bribes
- § 333 StGB Granting benefits
- § 334 StGB Giving bribes
- § 336 StGB Omission of an official act

These offences are often accompanied by further criminal offences, which include the following relevant offences:

- § 204 StGB Exploitation of another's secrets
- § 246 StGB Misappropriation
- § 258a StGB Obstruction of prosecution or punishment in public office
- § 263 StGB Fraud
- § 264 StGB Subsidy fraud
- § 266 StGB Embezzlement
- § 267 StGB Forgery of documents
- § 298 StGB Collusive tendering
- § 339 StGB Judicial perversion of justice
- § 348 StGB Making false records in public office
- § 353b StGB Breach of official secrecy and special obligation of secrecy
- § 357 StGB Incitement of subordinate to commit offence

I have received a copy of the Guidelines on Combatting Corruption, including the Anti-Corruption Code of Conduct for employees in Mecklenburg-Vorpommern's state administration.

Town, Date

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Signature