



Kurzinformation

Military deaths in training and selection events

The following answers were given by two sections of the Research Service of the Deutscher Bundestag: questions 1 and 4-7 by Section WD 2, questions 2 and 3 by Section WD 6.

1.

The responsibility for the proper planning and execution of any military exercise or operation lies with the commanding officer. He has to consider the relevant legal and the security-relevant regulations. In addition, each soldier is personally responsible for compliance with the safety and other relevant regulations.

2. & 3.

With the implementation of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work through the Labour Protection Act, public administration was also brought within the scope of that Act.

According to § 1 Arbeitsschutzgesetz (ArbSchG), the law applies to all areas of activity. In particular, it also applies to civil servants, judges and soldiers (§ 2 (2) ArbSchG) and in public offices (§ 2 (5) ArbSchG). There is no distinction between employees in a private employment relationship (collective bargaining employees) and employees in a public service and loyalty relationship (civil servants, judges and soldiers). However § Section 20 ArbSchG provides for a special regulation regarding the application of occupational health and safety regulations for certain activities in the public sector.

Exceptions to the Occupational Health and Safety Act are also possible in the area of the Federal Armed Forces and the Federal Armed Forces Administration. They can be laid down by ordinance at federal level and must specify as specifically as possible those activities for which exceptions to the Occupational Health and Safety Act are deemed necessary.

The „Occupational Health and Safety Application Ordinance of the Federal Ministry of Defence“ (Bundesministerium der Verteidigung/BMVg-ArbSchGANwV) refers to operational activities in direct operations, inter alia in the event of defence, natural disasters and serious accidents, in operational support activities to ensure the safety of operations, and in preparatory activities such as exercises and training.

The monitoring of occupational health and safety is regulated in § 21 ArbSchG. Accordingly, monitoring is basically a state task. The competent authorities must monitor compliance with the Occupational Health and Safety Act and the statutory ordinances issued on the basis of the Act and advise employers on the fulfilment of their obligations.

§ 21 (5) ArbSchG stipulates that the „Central Office for Occupational Safety and Health at the Federal Ministry of the Interior" is the competent supervisory authority for the public service sector of the Federation. The Federal Executive Authority for Accident Insurance acts on its behalf. For the area of responsibility of the Federal Ministry of Defence, a separate body designated by the Ministry is entrusted with the implementation of the Act.

4.

The „Central Office for Occupational Safety and Health of the Bundeswehr“ (Zentrale Stelle für Arbeitsschutz der Bundeswehr) is responsible for technical supervision of occupational safety throughout the entire Bundeswehr (domestic/foreign/operation). Monitoring compliance with occupational health and safety regulations and the implementation of measures to protect life and health are the state tasks of the supervisory authorities of the Bundeswehr. Within the framework of legal supervision, these tasks are performed by the supervisory authorities of the Bundeswehr without instructions.

The Bundeswehr as a parliamentary army is subject to comprehensive control by the German Parliament (Deutscher Bundestag), in particular its Defence Committee (Verteidigungsausschuss) and the institution of the Bundestag's Commissioner for the Armed Forces (Wehrbeauftragter des Deutschen Bundestages). They have comprehensive information and control rights.

5.

There is no special process for lessons learned.

6.

See answer to question 5.

7.

The relevant regulations apply to all German soldiers at home, abroad and in the field.

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