

Act on the Federal Police

Federal Police Act

BGSG 1994

Validity from 01.11.1994

Full citation:

"Federal Police Act of 19 October 1994 (Federal Law Gazette I, page 2978, 2979), last amended by Article 1 of the Law of 21 June 2005 (Federal Law Gazette I, page 1818)"

(+ + + As last amended by Article 1 G v. 21.6.2005 I 1818 + + +)

(+ + + Text detection from: 1.11.1994 + + +)

Headline: IdF d Article 1 I 1 G v. 21.6.2005 1.7.2005 1818 MWV

The G was adopted as Article 1, G 13-7-1 v. 19.10.1994 I 2978 (BGSNeuRegG) by the Bundestag. It is acc. Article 3, paragraph 1, sentence 1 of this G MWV 1.11.1994 entered into force.

Section 1

Tasks and uses

§ 1

General

(1) The Federal Police is led by federal authorities. She is one of the Federal Police in the Federal Ministry of the Interior.

(2) The Federal Police is responsible for the tasks assigned to it by this Act or either their 1st to November 1994 have been allocated by another federal law or pursuant to a federal law.

(3) The Federal Police secures its agencies, organizations, units, and other facilities against threats that affect the performance of their duties in their own jurisdiction. The fuse is limited to the institutions referred to in clause 1 and to the land on which these facilities are located.

(4) The protection of private rights is the responsibility of the Federal Police in the course of their duties only if judicial protection can not be obtained in time, and would promote the right frustrated without help from the federal police or substantially more difficult.

(5) The Federal Police incumbent security tasks include the prevention of offenses under this Act.

(6) If in the performance of duties of the federal police powers of other authorities of the Federation or of the countries affected, the federal police authorities act in consultation with the relevant authorities. If this is not possible because there is imminent danger, the competent authorities shall be informed immediately of the measures taken.

(7) The jurisdiction of the police of the country remains in the unaffected in paragraph 3 and to the designated in § § 2 to 5 geographic areas of responsibility of the Federal Police.

§ 2

Border Protection

(1) The Federal Police is responsible for the border police protection of the national territory (border guards), unless a country perceives the agreement of the responsibilities of the federal border police forces with their own individual service.

(2) includes the Border

1 the policing of borders,

2 police control of cross-border traffic, including

a) the monitoring of border crossing documents and the authorization to cross the border,

b) Investigation of the border,

c) the prevention of threats,

3 in the border area to a depth of 30 kilometers and from the seaward limit of up to a depth of 50 kilometers, the prevention of threats that affect the security of the border.

The Federal Ministry of the Interior is authorized to extend to securing the borders the designated area in sentence 1 No. 3 of the seaward boundary of by ordinance, with the consent of the Bundesrat where the border control in the German coastal zone requires. The ordinance of the course of the back boundary line of the border area is extended to describe exactly. From the seaward limit of this line must not exceed a depth of 80 kilometers.

(3) The agreement referred to in paragraph 1 shall be produced in a written agreement between the Federal Ministry of the Interior and the State concerned, which shall be announced in the Federal Gazette. In the cooperation agreement between the federal police and the police of the country is regulated.

(4) If the police duties of a country referred to in paragraph 1, in agreement with the federal government with its own forces true, the implementation of tasks governed by the law applicable to the country's police.

§ 3

Railway police

(1) The Federal Police has the task to defend the territory of the railway facilities of the federal railways threats to public safety or public order, the

1 the users, the equipment or the operation of the railway threaten or

2 resulting from the operation of the train or out of the railway systems.

(2) The beneficiary by the performance of the tasks referred to in paragraph 1 transport companies are obliged to pay the Federal Police for the benefits gained adequate compensation. The Federal Ministry of the Interior is authorized to determine a percentage by regulation, in consultation with the Federal Ministry of Transport, Building and Housing for the payable compensation, which shall not exceed 50 percent of the total expenditure of the Federal Police to perform the functions under paragraph 1. Here, in particular, the benefits received and the economic performance of the transport company to consider. Are several transport companies favored, is for any company in accordance with sentence 3 separately a fixed percentage, the sum of these percentages must not exceed 50 percent of total expenditure. The compensatory amounts levied by the Federal Police.

§ 4

Aviation Security

The Federal Police is responsible for the protection against attacks on the safety of air traffic in accordance with § 5 of the Aviation Security Act where these tasks are performed in accordance with § 16 para 3 sentence 2 and 3 of the Aviation Security Act by federal authorities.

§ 4a

Security measures on board aircraft

The federal police can be used to maintain or restore safety and order on board German aircraft. § 12 para 1 sentence 1 of the Aviation Security Act remains unaffected. Measures pursuant to sentence 1 must always be in accordance with the requirements of the safety of aircraft and passengers and are therefore in principle to meet in close coordination with the aircraft commander.

§ 5

Protection of federal bodies

(1) The federal police to protect constitutional federal agencies and ministries against threats that affect the performance of their duties, if they so request and agreement between the Federal Ministry of the Interior and the State concerned is that their adequate protection can not otherwise be guaranteed. On the acquisition of protection by the federal police decided by the Federal Ministry of the Interior. The acquisition is announced in the Federal Gazette.

(2) The protection provided by the federal police is limited to the land on which the constitutional bodies or ministries have their headquarters.

§ 6

Tasks at sea

Without prejudice to the competence of other authorities or forces the federal police to take on the sea outside the territorial sea of the German measures, to which the Federal Republic of Germany is entitled under international law. This does not apply to actions assigned by Federal legislation or other authorities or agencies which are solely warships reserved.

§ 7

Tasks in emergencies and defense case

(1) Is the Federal Government, the Federal Police in accordance with Article 91, paragraph 2 of the Basic Law to avert an imminent danger to the existence or the free democratic basic order of the Federation or of a Land, a, as the police has in this application dangers of the general public or the individual ward.

(2) Paragraph 1 shall apply mutatis mutandis if the federal police is used in Article 115f para 1 No. 1 or Article 115i paragraph 1 of the Basic Law.

§ 8

Use abroad

(1) The federal police to police or to participate in other non-military tasks in the context of international action at the request and under the responsibility

1 of the United Nations

2 a regional arrangement or agency pursuant to Chapter VIII of the Charter of the United Nations, a member of the Federal Republic of Germany,

3 the European Union or

4 the Western European Union

be used abroad. The use of the federal police must not be against the will of the state on whose territory the operation is to take place. The decision on the use of set 1 is for the federal government. The German Bundestag shall be informed of the intended use. It may require by order that the use is terminated.

(2) The Federal Police can also be used in individual cases for rescuing people from a present danger to life or living abroad. Be used only for humanitarian purposes or to perform urgent interests of the Federal Republic of Germany and in agreement with the State on whose territory the operation is to take place, permitted. The decision is made by the Federal Minister of the Interior, in consultation with the Foreign Office.

(3) The performance of the tasks referred to in paragraphs 1 and 2 by the Federal Police is governed by the agreements under international law or the rules adopted on the basis of such agreements applicable thereto.

§ 9

Use in support of other federal agencies

(1) supports the Federal Police

1 the President of the German Bundestag in exercising the right house and the police force in the building of the Bundestag,

2 the Foreign Office in the performance of tasks to protect German missions abroad,

3 the Federal Criminal Police in carrying out its protection functions under § 5 of the Federal Act.

The support of the German Federal Police is governed by the law governing the supported site.

(2) The decision referred to in paragraph 1 shall support the Federal Ministry of the Interior. The law enforcement officers of the Federal Police are subject to the instructions of the technical support site during the performance of these support tasks. Accepts the Federal Police under subsection 1 No. 3 tasks for independent perception, the Federal aligns its technical instructions to the appointed for this purpose by the federal police office.

(3) The obligation to provide assistance remains unaffected.

§ 10

Use in support of the Federal Office for Protection of the Constitution in the field of wireless technology

(1) The Federal Police shall perform for the Federal Office for Protection of the Constitution at its request tasks in accordance with § 3 paragraph 1 of the Federal Constitution Protection Act in the field of radio engineering and radio operational evaluation, as far as the radio traffic is not subject to the secrecy of telecommunications, through

1 Recording the operation of radio equipment by foreign intelligence services or the observed by the Federal Office for the Protection associations of persons and individuals,

2 radio-farm evaluation of the radio traffic of foreign intelligence services, or observed by the Federal Office for the Protection of the Constitution associations of persons and individuals,

3 radio-farm evaluation of documents, records and equipment used in the operation of radio equipment by foreign intelligence services or observed by the Federal Office for the Protection associations of persons and individuals.

(2) The performance of the tasks referred to in paragraph 1 is based on the Federal Constitution Protection Act and must not be connected with the performance of police duties. The federal police can take powers from the Federal Office for Protection of the Constitution only so far in claim than is necessary to accomplish this task. You may use the information obtained in the performance of tasks pursuant to paragraph 1 personal data only for the purpose specified therein. The data may be stored at the federal police only as long as is necessary for the performance of tasks under paragraph 1.

(3) The Federal Ministry of the Interior controls the details of the performance of tasks referred to in paragraph 1, in particular the type and extent of the tasks and the necessary technical and organizational identification to other areas of responsibility of the Federal Police, in a mission statement and inform as well as changes required the Parliamentary Control Panel.

§ 11

Use in support of a country

(1) The federal police can be used to support a country

1 to maintain or restore public safety and order in cases of particular importance under Article 35 paragraph 2 sentence 1 of the Basic Law,

2 to help in a natural disaster or an especially grave accident under Article 35, paragraph 2, sentence 2 and section 3 of the Basic Law,

3 to avert an imminent danger to the existence or the free democratic basic order of the Federation or of a State under Article 91, Paragraph 1 of the Basic Law,

where the land a job or can not meet only with considerable difficulty without this support.

(2) The support of a country by the Federal Police referred to in paragraph 1 is governed by the law in force for the country. Subject to Article 35, paragraph 3 of the Basic Law, the Federal Police is subject to the technical instructions of the country.

(3) The decision to use the Federal Police referred to in paragraph 1 shall, in the case of Article 35 § 3 of the Basic Law, the Federal Government, in the rest of the Federal Ministry of the Interior at the request of the country. The Federal Ministry of the Interior may delegate its decision-making powers in certain cases, by administrative regulation at the federal police headquarters.

(4) A requirement to comply with the federal police, unless the use of the Federal Police for federal tasks is more urgent than the support of the country. The request should contain all essential features of the application for the decision order. Expenses incurred as a support of a country referred to in paragraph 1 extra costs borne by the state, unless a management agreement provided otherwise in a particular case for special reasons.

(5) The obligation to provide assistance remains unaffected.

§ 12

Prosecution of criminal offenses

(1) The Federal Police shall perform the police duties in the field of law (§ § 161, 163 of the Code of Criminal Procedure), unless there is suspicion of a misdemeanor (§ 12 paragraph 2 of the Criminal Code), the

1 is directed against the security of the border or the performance of their duties in accordance with § 2,

2 is to follow by the rules of Paßgesetzes, the Residence Act or the Asylum Procedure Act where it was committed by crossing the border or in direct connection with this,

3 should allow for crossing the border by deception, threat, violence, or otherwise illegal manner, if it is determined at the control of cross-border traffic,

4 realized the movement of an object across the border without official authorization as a legal criterion of the penal provision, unless the Federal Police is assigned the task of monitoring the shipment ban by or pursuant to a law,

5 in the field of railway facilities of the federal railways has been committed and is directed against the security of a user equipment or the operation of the train or affects the ability of the rail or its entrusted assets,

6 the German criminal prosecutions at the subject and makes the sea outside the territorial sea under the German § 6 required

Moreover, if the suspicion of a crime referred to in paragraph 2 or in accordance with § 315 para 3 No 1 of the Criminal Code and in cases consists of number 6 The Federal Ministry of the Interior determines that more of the offenses covered by sentence 1, by ordinance, in agreement with the Federal Ministry of Justice and with the consent of the

Bundesrat. As far as sentence 1 No. 4 is concerned, the agreement with the Federal Ministry of Finance is also producing.

(2) The Federal Police is subject to special legal rules on jurisdiction for police duties in the field of criminal justice in the cases of paragraph 1 local jurisdiction if the offense in his geographical area of responsibility (§ 7 para 1) was committed. Moreover, the competence of other police authorities for prosecution in the cases of paragraph 1 shall remain unaffected. The prosecution may transfer the investigation to another otherwise competent police authority in consultation with the Federal Police.

(3) For offenses other than those covered by paragraph 1, the matter is to be submitted immediately to the appropriate law enforcement agency. The obligation of the federal police in accordance with § 163 para 1 of the Code of Criminal Procedure, to take all no delay permit ligand arrangements to prevent darkening of the matter remains unaffected. Sentences 1 and 2 shall apply to the offenses referred to in paragraph 1 accordingly if these are related to other crimes and the focus of the offense as a whole is outside the jurisdiction of the federal police or when the case of offenses outside the territorial sea referred to in paragraph 1, sentence 1, No. 6 or paragraph 1, sentence 1, last clause investigation done on German territory are required. The prosecutor's office may determine the appropriate police authority in cases of doubt.

(4) If investigative acts outside the areas described in § 1, paragraph 7 requires that federal police shall take measures, in consultation with the police in the country.

(5) The officers in law enforcement service of the Federal Police, members of the law enforcement services at least four years, are investigative personnel of the prosecution (§ 152 of the Courts Constitution Act) and have the rights and duties of police officers by the Criminal Procedure Code. In the cases of paragraph 1 sentence 1 No. 6 and paragraph 1, sentence 1, last clause are at sea outside German territorial sea in the prosecution of criminal offenses to fulfill international obligations or to fulfill international legal powers in accordance with the provisions of the Code of Criminal Procedure.

§ 13

Prosecution and punishment of offenses

(1) The Federal Police within scope of the duties incumbent upon the police duties under the Code of Administrative Offences. § 12 Section 2 Sentence 1 and 2 and paragraph 4 shall apply accordingly.

(2) Administrative authorities within the meaning of § 36 Section 1 Subsection 1 of the Code of Administrative Offences are offenses under § § 111 and 113 of the Code of Administrative Offences committed within the remit of the federal police, the federal police office.

(3) The information transmitted by or under any other Federal law jurisdiction of federal police authorities for the prosecution and punishment of offenses as the managing authority within the meaning of § 36 Section 1 No. 1 and 2 of the Offences Act remains unaffected.

(4) The law enforcement officials in the service of the Federal Police, members of the law enforcement services at least four years, are authorized as part of their duties to provide warnings and warning to raise funds.

Section 2

Powers

Subsection 1

General powers and general provisions

§ 14

General powers

(1) The federal police to take to fulfill their duties under § § 1-7 the necessary measures to avert a danger, unless this law regulates the special powers of the federal police.

(2) confusion within the meaning of this section is a particular case in the existing danger to public safety and order in the tasks assigned to the Federal Police under § 1 through 7. A significant risk for the purposes of this section is a danger to a significant legal interest, such as existence of the state, life, health, liberty, or other major assets criminally protected goods of considerable importance to the community.

(3) To fulfill the tasks that are assigned to the federal police by other Federal legislation, it has the powers provided there. Where such legislation does not regulate or not exhaustive powers, the federal police have the powers conferred upon it by this Act. Sentence 2 applies to the powers of the federal police in the context of tasks to protect against attacks on the safety of air traffic in accordance with § 4, § 5, the extent of the Aviation Security Act contained no provisions.

§ 15

Principle of proportionality

(1) Of several possible and appropriate measures shall be taken in that which is least likely affect the individual and the community.

(2) No action may lead to a disadvantage which is related to the desired result clearly disproportionate.

(3) A measure is only permissible until its purpose is achieved or shows that he can not be achieved.

§ 16

Discretion in choosing the means

(1) The Federal Police meet their reasonable measures.

(2) Come to avert a danger more agents into consideration, it is sufficient if one of them is determined. The person concerned must, on application, apply another equally effective means, provided that the general public is not affected thereby stronger.

§ 17

Responsibility for the conduct of persons

(1) Causes a person is a threat, the measures should be directed against them.

(2) If the person is not yet fourteen years of age, the measures can also be directed against the person who is committed to the supervision over them. If a supervisor appointed for the person, the measures can also be directed against the supervisor within its remit.

(3) Causes a person who is appointed to a transactions, the risk of vicarious execution, such measures can also be directed against the person, the other has appointed to the vicarious.

§ 18

Responsibility for the behavior of animals or the state of things

(1) Assumes an animal or a thing from danger, the action against the owner of the actual violence should be addressed. The following rules apply to things apply to animals accordingly.

(2) measures can also be directed against the owner or other person entitled. This does not apply if the owner of actual control exercised this without the consent of the owner or guardian.

(3) If the risk of an abandoned thing, so that measures can be directed against those who placed the ownership of the property.

§ 19

Immediate execution of an action

(1) The Federal Police, a measure itself or through an agent to run immediately when the purpose of the measure by the use according to § 17 or § 18 charge can not be reached in time or not. The measure of the subject shall be informed immediately.

(2) creation of the Federal Police by the immediate execution of an action costs, which are committed pursuant to § 17 or § 18 charge for replacement. Several managers are jointly and severally liable. The costs would be recoverable in the administrative enforcement proceedings.

§ 20

Use of non-responsible persons

(1) The Federal Police may take action against persons other than the judge pursuant to § 17 or § 18 charge if

1 present a significant danger to ward off

2 Measures under § 17 or § 18 is not responsible or timely possible or no promise of success,

3 the Federal Police, the danger can not or do not defend itself in time or through an agent, and

4 the people can be taken without significant own risk and without violating obligations in higher-value claim.

The measures shall be maintained as long as the defense of the danger is not otherwise possible.

(2) The Federal Police may also, in § 17 or § measures directed against persons other than the 18 charge, unless this is by the following provisions of this section.

Subsection 2

Special powers

Part 1

Data collection

§ 21

Collection of personal data

(1) The Federal Police may, if in this section otherwise provided, collect personal data as necessary for the fulfillment of its obligations task.

(2) The prevention of crime is a collection of personal data permissible only if facts justify the assumption that

1 the person wants to commit offenses within the meaning of § 12 para 1 and the data of considerable importance for the prevention of such crimes are required or

2 the person is a person referred to in paragraph 1 in a way linked or such a connection is made, which can be expected that the measure for the prevention of offenses referred to in paragraph 1 and this will result in significantly more difficult or hopeless otherwise would .

(3) Personal data are open and to bring the person concerned. They can be collected from other public or private bodies, if the survey is not possible or the person affected by it the fulfillment of the federal police duties incumbent endangered or would be significantly more difficult. A collection of data that should not be seen as a measure of the federal police, is only allowed if the fulfillment of the federal police duties incumbent is seriously compromised in some other way, or if it is assumed that this corresponds to the overriding interest of the person concerned.

(4) Where personal data from the data subject or in non-public places where, they are instructed to request information on the scope of their duty and the legal basis for the data collection. The notice may be waived if through him the fulfillment of the tasks of the Federal Police would endanger or significantly more difficult. If an obligation to provide information does not exist, it should be on the voluntariness of the information.

§ 22

Survey and Accountability

(1) The federal police to ask a person if there is reason to believe that the person relevant information for completing a specific federal police can make incumbent task. For purposes of the survey, the person can be stopped. Upon request, the person shall furnish carried identity papers for inspection.

(1a) To prevent or eliminate unauthorized entry into the Federal Republic, the Federal Police in trains and in the field of railway facilities of the federal railways (§ 3), unless it can be assumed on the basis of location knowledge or border police experience that they used for unauthorized entry and in the air traffic serving installation or facility of international airport (§ 4) to stop cross-border traffic each person briefly, ask and demand that carried identification papers or border crossing documents shall be returned to the test, and take objects carried in inspection.

(2) The respondent is required to indicate full names, date and place of birth, home address and nationality, to the extent necessary to fulfill the duties of the Federal Police. No further information is only compulsory for under § § 17 and 18 charge and under the conditions of § 20 para 1 of the persons referred to therein, and for the people for which there are legal obligations to act, if the information to avert a risk is required .

(3) Under the conditions specified in § § 52-55 of the Code of Criminal Procedure, the person concerned is entitled to refuse to provide information. This does not apply if the information to avert a danger to life, limb or liberty of a person is required. The person concerned shall be informed of their right to refuse to provide information. Information that has been obtained in accordance with sentence 2 may be used only for the purposes specified therein.

(4) § 136a of the Code of Criminal Procedure shall apply accordingly. § 12 of the Administrative Enforcement Act does not apply.

§ 23

Identity verification and testing of scrip

(1) The federal police to determine a person's identity

1 to avert a danger

2 for police control of cross-border traffic,

3 in the border area to a depth of thirty kilometers to prevent or eliminate unauthorized entry into the Federal territory or to prevent crime within the meaning of § 12 Section 1 No. 1 to 4,

4 if the person is in an institution of the Federal Police (§ 1, § 3), a plant or establishment of the federal railways (§ 3), an aviation serving installation or facility of international airport (§ 4), the official residence of a constitutional institution or a Federal Ministry (§ 5) or at a border crossing point (§ 61) or in the immediate vicinity thereof resides and facts justify the assumption that there crimes to be committed by persons located in or on these objects or the objects themselves are at immediate risk, and the determination of the identity on the basis of the risk assessment or the person related evidence is required, or

5 to protect private rights.

(1a) as referred to in paragraph 1, No. 3 border area covers the coastal area from the seaward limit of up to a depth of 50 kilometers, in addition, only in accordance with the Regulations to § 2 para 2 sentence 2

(2) In order to meet its responsibilities under § 7 of the federal police to further establish the identity of a person when they

1 stays in one place, justifying the assumption with respect to the facts that there

a) arrange, prepare or commit crimes or persons

b) conceal offenders

2 resides in a transport or supply unit or facility, a public transportation, office building or other vulnerable object or thereof in close proximity and there is reason to believe that there crimes to be committed by persons in or on those objects people or the objects themselves are in immediate danger, and to establish the identity on the basis of the risk assessment or the person related evidence is required, or

3 is encountered at a control point that has been set up by the Federal Police to

a) serious crimes or

b) the offenses defined in § 27 of the Assembly Law

to prevent the facts speak for the commission.

(3) The federal police to take the necessary measures to establish the identity. You can stop the person concerned, in particular, ask him about his identity and demand that he hand over identity documents for verification. When police control of cross-border traffic, the Federal Police may also require that the person concerned submits crossing the border. The person can be arrested and taken to the office, when his identity or his permission to cross the border or otherwise can not be determined only with considerable difficulty. Under the conditions of Theorem 4 to the person concerned and he is carrying things for items that are used to establish the identity, are searched.

(4) The Federal Police may, to the extent necessary to perform their duties, require that vouchers, certificates, or other proof documents are handed out for examination if the person concerned is obliged by virtue of a legal provision to carry these documents.

(5) The Federal Police may require that individuals identify themselves, which means the federal police (§ 1, § 3) or the headquarters of a constitutional organ or a federal ministry (§ 5) wish to enter or are found therein. Of the persons referred to in clause 1 objects carried may be searched at the inlet control, if this is necessary due to the risk assessment or the person related clues.

§ 24

Fingerprinting measures

(1) The federal police to perform fingerprinting measures if

1 as allowed by § 23 para 1 and 2 establish the identity otherwise only with considerable difficulty or is not possible or

2 this is necessary to prevent crime within the meaning of § 12 paragraph 1, because the person concerned is suspected of having committed such a crime, and there is the danger of a repetition of the nature or the deed.

(2) Is determined the identity in the case of paragraph 1, No. 1, are incurred in connection with the finding documents destroyed, unless their need to be kept under paragraph 1, No. 2 or permitted by other legislation. If the dossier is transmitted to other locations, they must be informed of the destruction took place.

(3) fingerprinting measures are particularly

1 the decrease of finger and palm prints,

2 the inclusion of photographs, including video recordings,

3 the findings of external physical characteristics,

4 Measurements and

5 took place with the knowledge of the person concerned voice recordings.

§ 25

Summons

(1) The Federal Police, a person in writing or orally summon when

1 Facts justify the assumption that the person can make relevant information that the incumbent for completing a specific task of the federal police are required, or

2 this is necessary for carrying out identification purposes.

(2) The summons shall specify the reason. When setting the timing to be made to the profession and the other conditions of life of the person concerned into consideration.

(3) If a data subject of the subpoena without reasonable cause, not a consequence, they can be forcibly enforced if

1 the disclosures to avert a danger to life, limb or liberty of a person is required or

2 this is necessary for carrying out identification purposes.

(4) For compensation or remuneration of persons who appear to subpoena witnesses or experts are used as the Judicial Remuneration and Compensation Act shall apply accordingly.

§ 26

Collection of data at public events or gatherings

(1) The Federal Police may, at or in connection with public events or gatherings at the border or referred to in § 23 Section 1 No. 4 objects collect personal information by production of audio and video recordings of participants, if facts justify the assumption that arise from or in connection with such event or gathering significant threats to public safety at the border or the safety of the referred to in § 23 Section 1 No. 2 objects. The survey may also be performed if a third party will inevitably be affected.

(2) In cases under § 7 of the federal police, if facts justify the powers referred to in paragraph 1 or in connection with public events or gatherings outside the places and objects referred to in paragraph 1, sentence 1, the assumption that, on or in connection with public events or gatherings of considerable importance offenses or offenses are committed.

(3) expenses incurred under paragraphs 1 and 2 records and documents produced from them are to be destroyed immediately after the event or gathering where they are not needed

1 to prosecute a misdemeanor or a crime of considerable importance or

2 the prevention of crime on or in connection with meetings, public events or gatherings, because the person is suspected of having prepared or committed such crimes and therefore there is reason to believe that they will continue to commit such crimes.

The destruction may be omitted also when a disturbance of the peace has occurred on or in connection with the event or gathering and the records will be used solely for the purpose of police education and training, or for temporary documentation of police activity. Personal data must be anonymised at the earliest possible time. If anonymisation is not possible, records are to be used exclusively for the purpose of documentation to destroy after two months.

(4) § 12a and 19a of the Assembly Act remain unaffected.

§ 27

Automatic image acquisition and image recording devices

The federal police to use automatic image acquisition and image recording devices to

1 unauthorized border crossings or hazards to the security at the border or

2 Hazards in § 23 Section 1 No. 4 above objects or held there for people or things

visible. In the case of sentence 1 No. 2 of the use of such devices must be discoverable. Be recorded in this way, personal data, these records are to be destroyed immediately, unless they are needed to avert an imminent danger or an offense or misdemeanor.

§ 28

Special means of data collection

(1) The Federal Police may, on § 70 sentence 2 of personal data with the special funds referred to in paragraph 2 rise above

1 under § 17 or § 18 charge or under the provisions of § 20 para 1 of the persons referred to therein, to avert a danger to the existence or security of the State or for the life, limb or liberty of a person or property of considerable value whose conservation is necessary in the public interest, or

2 the persons referred to in § 21 para 2 for the prevention of crime within the meaning of § 12 para 1 of considerable importance, if facts justify the assumption that such an offense will be commercial, habitual, or gang-committed by a criminal organization ,

and the defense of the danger or the prevention of crime in other ways is futile or would be substantially more difficult. The survey may also be performed if a third party will inevitably be affected.

(2) Special means of data collection

1 the planned scale observation of a person who consistently takes longer than twenty-four hours, or to be held for more than two days (longer-term observation),

2 the use of technical means in a way not visible to the person concerned

a) for the making of a picture or records,

b) the interception or recording of the spoken word and not public

3 the use of persons who are not members of the Federal Police and their cooperation with the Federal Police to third parties is not known.

(3) The use of special funds referred to in paragraph 2 may not, except in exigent circumstances, only be ordered by the head of the Federal Police Headquarters or his representative. The arrangement is to be recorded, stating the relevant reasons and be limited to a maximum of one month. The extension of the measure requires a new arrangement. The decision on the extension of the action may be taken in cases of paragraph 2 numbers 1 and 2 point b only by the judge. Jurisdiction is the court in whose district the federal police headquarters is located. The provisions of the Act on Matters of Voluntary Jurisdiction apply mutatis mutandis to the procedure.

(4) documents that have been obtained through the measures referred to in paragraph 2 shall be destroyed immediately, unless it the arrangement underlying purpose or in accordance with the Criminal Procedure Code to prosecute a crime are not or no longer needed for that.

(5) Upon completion of the measures referred to in paragraph 2, No. 1 and 2, point b is the person against whom the action has been ordered to notify, as soon as this can be done without jeopardizing the purpose of the measure or the public safety. The briefing by the Federal Police does not occur when a criminal investigation against the person concerned is carried out due to the fact triggering and would be jeopardized by the disclosure of the purpose of the investigation, the prosecutor makes the decision.

Part 2

Data processing and data usage

§ 29

Storage, alteration and use of personal data

(1) The federal police to store, modify and use personal information to the extent necessary to perform their respective tasks. You can also store, modify and use personal data to the extent needed to perform special requests according to § 17 paragraph 2 of the Federal Constitution Protection Act. The storage, alteration and use must be for the purpose for which the data have been acquired. The storage, alteration and use for any other purpose is permissible if the federal police should collect the data for this purpose under this Act or other legislation. If personal data with the special means of § 28 paragraph 2 has been raised to their use for other purposes is allowed only to the extent necessary to avert a substantial risk, the provisions of the Criminal Procedure Code shall remain unaffected.

(2) The Federal Police may, if legally otherwise specified, the personal data that it has acquired suspect in perception of police tasks in the field of law enforcement over a one offense, store, modify and use in files, as far as the defense is required of dangers in the context of the federal police duties incumbent or for purposes of future criminal proceedings for offenses within the meaning of § 12 para first According to sentence 1, the Federal Police

1 the personal data and, where necessary, to other appropriate identifiers

2 the forensic files lead department of the federal police and the criminal case number,

3 the crimes and when and crime scenes and

4 the alleged crimes by specifying the legal requirements and the reference number of the offenses

store, modify and use in files. Other personal data can only save the federal police to sentence 1, modify, and utilize, to the extent necessary,

1 for self-protection or for the protection of officials of the person concerned or

2 because of the nature or the deed, the personality of the person concerned or other evidence there is reason to believe that further criminal proceedings against him for crimes within the meaning of § 12 para 1 shall be maintained.

If the accused is acquitted, incontestable rejected the commencement of the proceedings against him or the procedure set not only for the time being, the storage, alteration and use is prohibited, if it appears from the reasons for the decision that he did the act or not committed unlawfully .

(3) The federal police to personal data of persons who come in subsequent criminal proceedings as witnesses into consideration, as well as the described in § 21 para 2 No. 2 persons, whistleblowers and other informants except to avert a danger only in files store, modify and use, if the evidence suggests that this is necessary to prevent crime within the meaning of § 12 para 1 with significant meaning or for purposes of future criminal proceedings for such offenses. The storage pursuant to sentence 1 shall be limited to those listed in paragraph 2, sentence 2 numbers 1 and 2 as well as the designated data indicating the capacity in which the person in relation to the facts which is the storage of the data. Personal information about witnesses pursuant to sentence 1 may be stored only with the consent of the individual concerned.

(4) If ratings stored in files must be detectable at the location where the records will be maintained on which the rating is based.

(5) The federal police to store personal data for process management, or for temporary documentation of police action and use it only for that purpose. Paragraphs 1 to 3 shall not apply.

(6) The Federal Police can use for police education and training referred to in paragraphs 1 and 5 of the personal data stored. The data are made anonymous as soon as possible. The anonymity can be omitted if it is possible only with disproportionate effort or the education and training purposes with anonymized data can not be achieved and each outweigh the legitimate interests of the data subject in protecting the confidentiality of the data is not obvious.

§ 30

Tender alerts on

(1) The federal police to personal data, in particular the identity of a person, the registration number of used or employed by their motor vehicle and, where the law provides otherwise determined, tender the serial number of the identity document or visa used by it, and this in a for Save boundary wanted out file (call for border search). The Federal Ministry of the Interior shall determine the details concerning the type of data that may be stored by Theorem 1 in the tender for border searches, by ordinance.

(2) The invitation to the boundary search is admissible for the purpose

1 Since the arrest, if the person may be detained in accordance with § 39, their stay is not known or can be assumed that they will be encountered in the control of cross-border traffic,

2 the border police check if facts justify the assumption that the review of the person in control of the cross-border traffic is required to

a) avert a serious threat to

b) eliminate reasonable doubt as to the entitlement of the person to cross the border or to confirm or

c) determine the applicable encountering a missing person, or

3 of rejection or exit ban, provided that these measures due to legal aliens legislation are permitted.

(3) The Federal Police may call at the request of another public body a person or thing for border manhunt for the purposes referred to in paragraph 2, if the initiating authority is empowered by the law for them to carry out the intended in the alert or make a police permit. The initiating entity is responsible for the legality of the measure. She has the intended action, and the extent and duration of the call for tender.

(4) The storage in the run for the border file is wanted by the Federal Police. Eligibility for retrieval of data in an automated process from the run for the border investigation file must be granted only to the authorities responsible for the perception of police controls of cross border traffic.

(5) The Federal Police can also enter personal information of the kind referred to in paragraph 1 in the automated method in the investigation existence of the police information system for the purpose of detention, stay investigation or verification of the person when it is entitled under the provisions of this Act, with the tender measure was intended to make himself or to have carried out by a legitimate demand for the data in an automated procedure body.

§ 31

Tender for the border police observation

(1) The Federal Police may tender personal information of the kind specified in § 30 para 1 sentence 1 and store this in the run for the border investigation file, so that the authorities entrusted with the exercise of police control of cross-border traffic of knowledge about the place and time Report which the person, any companion, the motor vehicle and the leader of the vehicle and on the route and destination, objects carried and the circumstances under which, if they are found on occasion of border control (Invitation to the border police observation). The Federal Ministry of the Interior shall determine the details concerning the type of data that may be stored by Theorem 1 in the tender for the border police observation by ordinance.

(2) The tender for the border police observation is only permitted if

1 can expect the overall assessment of the person and their past criminal offenses that they will continue to commit offenses within the meaning of § 12 para 1 of considerable importance, or

2 Facts justify the assumption that the person will commit such crimes,

and the border police observation for the prevention of criminal offenses.

(3) The tender for the border police observation may be ordered only by the head of the Federal Police or his representative. The arrangement is to be recorded, stating the relevant reasons.

(4) The order shall be limited to a maximum of six months. Later than the expiration of three months to consider whether the conditions for the order still exist. The result of this examination is to be recorded. The extension of the term about six months ahead require a court order. Jurisdiction is the court in whose district the federal police headquarters is located. § 28 Section 3 Clause 6 applies.

(5) If the conditions of the arrangement no longer present, the purpose of the measure is reached or is shown that he can not be reached, the call is immediately deleted.

(6) § 30 paragraph 4 applies.

§ 30, (7) the extent designated in special request according to § 17 paragraph 2 of the Federal Constitution Protection Act individuals whose data are to be registered in accordance with paragraph 1 for messages to the requesting authority by the Border Management Agency and stored this in the run for the border investigation file . 4 sentence 2 applies. The tenders are to be limited to a maximum of six months. The extension of the term require a further request.

§ 32

Transfer of personal data

(1) The authorities of the federal police to police and prison service when they perform their duties according to § 2 para 2, or duties in the field of law enforcement, customs authorities with transfer personal data to the extent necessary for the performance of police duties. This also applies to the transfer of personal data between the authorities of the Federal Police.

(2) The Federal Police may transfer personal data to other public authorities, to the extent necessary to

- 1 Fulfillment of its obligations task
- 2 Prevention of threats,
- 3 Avert a serious infringement of the rights of individual
- 4 Prosecution of criminal offenses or offenses, to criminal enforcement and for law enforcement or
- 5 Completion of specific request in accordance with § 17 Section 2 of the Federal Constitution Protection Act.

(3) The Federal Police may transfer personal data to public agencies of other states and to over-or inter-governmental bodies, to the extent necessary to

- 1 Fulfillment of its obligations or task
- 2 Avert a substantial risk or to prevent crime with considerable importance by the receiver.

(4) The Federal Police may transfer personal data to non-public offices, as indispensable to the

- 1 Fulfillment of its obligations or task
- 2 Avert a serious infringement of the rights of individuals.

(5) Special rules on the transfer of personal data remain unaffected.

§ 33

Additional regulations for the transmission

(1) Responsibility for the admissibility of the communication, the Federal Police. The transfer is made on the basis of a request by a public authority of the Federal Republic of Germany, this bears the responsibility. In this case, the federal police only checks whether the request is within the responsibilities of the recipient, unless that special occasion to examine the admissibility of the communication consists.

(2) The Federal Police has noted occasion, content, recipient, and date of transmission. In cases of § 32 paragraph 4, the federal police to keep a record of which the information referred to in clause 1 and the reference of files are visible. The documents should be stored separately to secure against unauthorized access and destroy at the end of the calendar year following the year of their creation. The destruction of remains as long as the proof for the purposes of data protection control is needed or reason to believe that in the case of the destruction of the legitimate interests of the person concerned would be adversely affected. § 35 paragraph 6, sentence 2 shall apply accordingly.

(3) The transfer of remains when the federal police can be seen that outweigh taking into account the nature of the data and its collection, the legitimate interests of the person concerned the general interest in the transfer. In the cases referred to in § 32 paragraph 3, the transmission shall also, if the legitimate interests of the person concerned would be affected by it, especially because in the recipient country an adequate standard of data protection is not guaranteed. Reviews are transmitted, must be identifiable to the recipient, at which point the records will be maintained on which the rating is based.

(4) Where personal data that may be transmitted in accordance with § 32 para 1 and 2 to other personal data of the data subject or a third party as connected in acts that separation is not possible or only with disproportionate effort is possible, so is the transmission these data also permitted unless outweigh the legitimate interests of the data subject or a third party to the confidentiality obvious. One use of this data is not allowed.

(5) In the case of § 32 para 2 to 4, the transmission of data, § 41 or § 61 of the Federal Central Criminal Register Act must fall under that do not lead to an expansion of the circle of designated points there. The recovery prohibitions pursuant to § 51, 52 and 63 of the Federal Central Criminal Register Act shall be observed.

(6) The recipient may use the personal data only for the purpose for which they have been transmitted to it. The Federal Police has pointed out in their submissions to the receiver according to § 32 paragraph 3 and 4. In the cases referred to in § 32 paragraph 3 of his intended at the Federal Police cancellation date is reported. A use for another purpose shall be permitted provided the data for this purpose would also have been forwarded and approved the Federal Police in the 32 cases referred to in paragraphs 3 and 4 §.

(7) The establishment of an automated process that allows the transfer of personal data from a run of the federal police file by polling is permitted in accordance with § 10 para 2 to 4 of the Data Protection Act where this form of data transmission taking into account the legitimate interests the person concerned is appropriate because of the number of transmissions or because of special urgency. Eligibility for fetching should, as far as otherwise provided by law, are only allowed in the designated § 32 paragraph 1 points.

(8) If the establishment of an automated search procedure referred to in paragraph 7 for a term of more than three months, the Federal Police has in average every tenth call for the purposes of data protection control the timing, information enabling the identification of the retrieved records, as well as for to monitor the retrieval service responsible. The logged data can only be used for purposes of monitoring data protection, data security or to ensure the proper operation of the data processing system, unless there are indications that without their use, the prevention or prosecution of a serious crime against life, limb or freedom a person would be much more difficult or hopeless. The recorded data shall be deleted after six months. The Federal Police take technical and organizational measures according to § 9 of the German Federal Data Protection Act.

§ 34

Balance of personal data

(1) The federal police to personal data with the contents of files Syndicate, which leads to the fulfillment of its duties or for which it has permission to call,

1 for police control of cross-border traffic or,

2 if there is reason to believe that this is necessary to perform any other task of the Federal Police.

The Federal Police may also in its task of fulfilling personal data obtained with the search component Syndicate. The person may be stopped for the duration of the adjustment.

(2) the law of comparing data in other cases remain unaffected.

§ 35

Rectification, erasure or blocking of personal data

(1) The Federal Police has to be corrected in files stored personal data if it is inaccurate. If it finds that the inaccuracy of personal data in paper files, this must be noted in the file or hold any other way. Denies the person the correctness of stored data and can not find the correct or incorrect, the data must be labeled accordingly.

(2) The Federal Police has to delete files stored personal data if

1 storing the data is invalid or

2 is determined at the review to be carried out according to specific deadlines or occasion of an individual case processing, that knowledge of the data to fulfill the duties incumbent on the federal police is no longer required.

(3) The periods referred to in paragraph 2, No. 2 in the opening order (§ 36) set. You may in adults ten years in adolescents five years and not exceeding two years in children, with a distinction on the purpose of storage and the type and severity of the situation. The periods begin on the date on which the last event occurred, which led to the store, but not before the release of the person concerned from a correctional facility or to remove a 'deprivation of liberty measure of reform and prevention.

(4) Personal data of persons, whistleblowers and other informants referred to in § 21 para 2 No. 2 can only be stored for a period of one year. The storage for another year is permitted if the requirements of § 29 paragraph 3 are still present. The main reasons for the maintenance of storage are to be recorded. The storage may not exceed three years.

(5) Should the federal police a reason for deletion in accordance with paragraph 2 of personal data in the record states, it has to lock the data by fitting an appropriate note. The file shall be destroyed when it is no longer required overall to perform the duties of the Federal Police.

(6) The stay under erasure and destruction when

1 Reason to believe that if other legitimate interests of the person concerned would be adversely affected,

2 the data for ongoing research are needed or

3 a deletion of the special nature of the storage or destruction of the record is not possible or only with disproportionate effort.

In these cases, the data are to be disabled and to provide the documents with a corresponding restriction notice. For cases in sentence 1 No. 2 § 29 paragraph 6, sentence 2 shall apply accordingly.

(7) Blocked data may be used only for the purpose for which they have been blocked or if this is unavoidable to use as evidence or to avert a serious threat.

(8) If it is determined that incorrect, the inadmissibility of storage to delete or to block personal data has been transmitted, the receiver is notified to the rectification, erasure or blocking, if this is necessary to protect the legitimate interests of the data subject.

(9) Instead of erasure and destruction in accordance with paragraph 2, No. 2, paragraph 5, sentence 2 and the disk to the relevant archives are to be submitted, provided that these documents belongs constant value within the meaning of § 3 of the Federal Records Act.

§ 36

Opening Order

(1) The Federal Police has for each to fulfill the duties under § 1-7 run automated file of personal data in an order that requires the approval of the Federal Ministry of the Interior to establish:

1 Name of the file

2 Legal basis and purpose of the file,

3 Persons, are stored on the data,

4 Types of personal data to be stored,

5 The type of personal data used to open the file

6 Supply or input of data to be stored,

7 Conditions under which personal data stored will be sent to which recipients and by any means,

8 Inspection intervals and duration of storage,

9 Logging.

(2) Before giving the opening order of the Federal Data Protection Commissioner is to listen. The opening order may provisionally be given before is not because of the urgency of the task performance of the previous hearing possible.

(3) the need to review the files of the continuation or modification at appropriate intervals.

§ 37

Validity of the Federal Data Protection Act

In the performance of the Federal Police under § § 1 to 7 tasks assigned are § 3 para 1 sentence 2 and 8, § 4, para 2 and 3, § § 4b, 4c, 10, Section 1, § § 13, 14 Section 1, 2 and 5, § § 15, 16, 18, paragraph 2, sentence 2 and 3 and § § 19a and 20 of the Federal Data Protection Act does not apply.

Part 3

Place referral, detention, search

§ 38

Place referral

The federal police to avert a threat to a person temporarily refer from one place or temporarily prohibit you from entering a place.

§ 39

Custody

(1) The federal police to take a person into custody if the

1 to protect the person is required against a threat to life or limb, especially because the person free determination is seen in a negative state or otherwise in helpless situation,

2 is essential to enforce a court referral under § 38, or

3 is essential to prevent the imminent commission or continuation of a criminal offense or an offense of considerable importance to the community.

(2) The federal police to minors who have been removed from the care of their guardians or unlawfully deprived of this have to take into custody so that they can be delivered to the guardian or the youth welfare office.

(3) The federal police to a person who has escaped from the execution of detention, imprisonment, youth custody or custodial measures of correction and prevention or otherwise residing without authorization outside the prison or an institution under § 63 and 64 of the Criminal Code, take into custody so that they can be returned to the institution.

(4) The federal police to take a person into custody in order to comply with a request that has a detention to content.

§ 40

Judicial decision

(1) If a person on the basis of § 23 para 3 sentence 4, § 25, Section 3, § 39, paragraph 1 or 2 or § 43 paragraph 5 held that the Federal Police have immediately a judicial decision on admissibility and persistence of bring about the detention, unless the attainment of the judicial decision would probably take longer time than would be necessary to implement the action.

(2) The decision referred to in paragraph 1, the District Court has jurisdiction in the district where the person is detained. The procedure is governed by the provisions of the law on the judicial process in deprivations of liberty.

(3) In the case of § 39 para 4 has also submitted with the request of the requesting authority of the federal police, the judge's decision on the admissibility of the detention. Is a prior court decision not acted, the federal police to release the detained person if the requesting authority does not accept this or the judge's decision not applied immediately afterwards.

§ 41

Treatment of detained persons

(1) If a person on the basis of § 23 para 3 sentence 4, § 25, Section 3, § 39 or § 43 paragraph 5 held, the purpose of the measure and the permissible remedies you are known to us immediately.

(2) The person detained must be given immediate opportunity to notify a relative or a person of their choice, provided the purpose of detention is not compromised. The Federal Police has to take notice when the person detained is not in a position to make use of the right to one set and the notification does not contradict their presumed intention. If the captured person is a minor or is a supervisor appointed for them, then immediately notify the person who has the care of the person or the person's care after the service entrusted to circle in each case. The duty to notify in case of a judicial detention remains unaffected.

(3) The detained person shall separately be accommodated especially without their consent is not in the same room with penal or remand prisoners. Men and women should be housed separately. The person detained may only be imposed such restrictions, which requires the purpose of detention or the order in custody.

§ 42

Duration of detention

(1) The detained person shall be released,

1 soon as the reason for the action has ceased,

2 when the continuance of detention is declared by judicial decision inadmissible

3 in each case after taking, if not before the continuation of the detention is ordered by a court order at the latest by the end of the day.

The continuance of detention under this Act may be only in the cases of § 39 Section 1 No. 3 are arranged by court decision that an offense under § 125, 125a of the Penal Code or a gang assault pursuant to § 240 of the Criminal Code has been committed and that there are indications that the individual has been involved in such an offense or wanted to participate and the deprivation of liberty without a continuation of this behavior is expected. In deciding the maximum permissible period of detention shall be determined and shall not exceed four days.

(2) Deprivation of liberty for the purpose of establishing the identity must not exceed a total period of twelve hours.

§ 43

Searches of persons

(1) The federal police to 23 paragraph 3, sentence 5 search a person except in the cases of § if

1 they can be held under this Act or other laws,

2 Facts justify the assumption that it leads to things themselves, which may be seized,

3 them the free exercise of will is usually seen in a negative state or in a helpless situation or

4 they be justified in an object within the meaning of § 23 Section 1 No. 4 or staying in the immediate vicinity of facts and the assumption that there are crimes being committed, even directly threatened by the persons who are in or on those objects or those objects are, and the search on the basis of the risk assessment or the person related evidence is required.

(2) In order to meet its responsibilities under § 7 of the Federal Police can also search a person if they

1 is staying at one of the places referred to in § 23 para 2 No. 1 or

2 to No. 2 or residing in the immediate vicinity and facts justify in an object within the meaning of § 23 paragraph 2, the assumption that crimes are being committed in or on these objects, the persons who are in or on those objects or those objects themselves are at immediate risk, and the search based on the risk assessment or the person related evidence is required.

(3) The Federal Police, a person whose identity is to be determined under this Act or other legislation, for weapons, explosive materials and other dangerous objects search, if compared to the circumstances for the protection of officials of the Federal Police, the person himself or a third party a danger to life or limb is required.

(4) Persons may be searched only by persons of the same sex or of doctors, this shall not apply if the immediate search is necessary to protect against a threat to life or limb.

(5) The person may be arrested and taken to the office when the raid or otherwise can not be done only with considerable difficulty.

§ 44

Search of things

(1) The federal police to 23 paragraph 3, sentence 5 and paragraph 5, sentence 2 search a thing except in the cases of § if

1 it is carried by a person that can be searched according to § 43,

2 Facts justify the assumption that a person is in it, the

a) shall be taken into custody,

b) illegally held or

c) is helpless

3 Facts justify the assumption that another thing is in it, which must be ensured or

4 they be justified in an object within the meaning of § 23 Section 1 No. 4, or is in the immediate vicinity of facts and the assumption that crimes are being committed in or on these objects, these by persons in or to these objects or persons objects themselves are at immediate risk, and the search on the basis of the risk assessment or the cause-related evidence is required.

(2) In the border area to a depth of thirty kilometers, the Federal Police also a matter of preventing or stopping illegal entry into the Federal territory or to prevent crime within the meaning of § 12 para 1 no 1 to 4 search. Referred to in clause 1 border area stretches along the coast from the seaward boundary to a depth of 50 kilometers, in addition, only in accordance with the Regulations to § 2 para 2 sentence 2

(3) In order to meet its responsibilities under § 7 of the Federal Police can also browse a thing when

1 it is located at one of the places referred to in § 23 paragraph 2, No. 1,

2 they are 23 paragraph 2, point 2 is or in its immediate vicinity, and there is reason in an object within the meaning of § on the assumption that there should be offenses committed himself immediately threatened by the persons who are in or on those objects or those objects are, and the search on the basis of the risk assessment or the cause-related evidence is required, or

3 it is land, water or aircraft is a where a person is, their identity may be determined in accordance with § 23 para 2 No. 3, the search may extend to the matters contained in the vehicle.

(4) During the search of the property owner the actual violence has the right to be present. He is absent, his representative or another witness to be called. The owner of the actual violence is upon request furnish a certificate of search and their basic.

§ 45

Entering and searching of homes

(1) The Federal police may enter a dwelling without the consent of the owner and search if

1 Facts justify the assumption that a person is in it, which may be 25, Section 3 presented or taken according to § § 39, in custody

2 Facts justify the assumption that a thing is in it, which may be ensured under § 47 No. 1, or

3 this is necessary to avert an imminent danger to life, limb or liberty of a person or property of significant value.

The apartment includes the living room and adjoining rooms, labor, factory and office premises and other property pacified.

(2) During the night time (§ 104 paragraph 3 of the Criminal Procedure) is to enter and search a dwelling permitted only in the cases of paragraph 1, No. 3.

(3) dwellings may, however, be entered to prevent or eliminate unauthorized entry into the Federal territory at any time, if facts justify the assumption that there according to experience

1 Arrange persons offenses within the meaning of § 12 Section 1 No. 2 and 3, prepare or commit,

2 hide people who have committed such offenses, or

3 meet people without the necessary residence permit.

(4) In order to meet its responsibilities under § 7 of the federal police can enter homes to avert imminent danger at any time, if facts justify the assumption that there according to experience

1 People arrange offenses, preparing, or perpetrating

2 hide criminals.

(5) labor, factory and office premises and other premises and plots that are available to the public may, assigned tasks to be entered during labor, business or residence time for security purposes in the framework of the Federal Police.

§ 46

Method during the search of apartments

(1) Searches may be, except in exigent circumstances, only be ordered by the judge. Jurisdiction is the district court district in which the dwelling is located. The provisions of the Act on Matters of Voluntary Jurisdiction apply mutatis mutandis to the procedure.

(2) During the search of an apartment the apartment owner has the right to be present. He is absent, shall, if possible, to consult his representative or an adult relative, housemate or neighbor.

(3) The apartment owner or his representative is the reason the search to announce immediately, provided the purpose of the measures is not compromised.

(4) The search is to prepare a written account. You must include the responsible agency, reason, time and place of the search. The minutes shall be signed by an investigation by officials and the apartment owner or the person had moved. If the signature is denied, here is a note record. The householder or his representative must be obtainable on request, a copy of the minutes.

(5) If the preparation of the transcript or the delivery of a copy to the particular circumstances of the case is not possible or would jeopardize the purpose of the search, so the householder or the added raised person, only the search, stating the responsible agency and the time and place the search, to confirm in writing.

Part 4

Supplementary provisions

§ 47

Ensuring

The Federal Police can ensure one thing,

- 1 to ward off an actual threat,
- 2 to protect the owner or the rightful owner of actual violence against loss or damage to property or
- 3 when it is carried by a person who is detained under this Act or other laws, and the item may be used to
 - a) to kill or injure,
 - harming b) the life or health of others,
 - c) to damage property of another or
 - d) to provide for himself or another or to facilitate the escape.

§ 48

Custody

(1) Seized property shall be taken into custody. The nature of things can not be or custody at the federal police seem appropriate that things are kept in another appropriate manner or secure. In this case, the storage may also be transmitted to a third party.

(2) The person concerned shall be issued a certificate, which reveals the reason for the seizure and referred to the seized property. Can according to the circumstances of the case not be issued a certificate, then take a record of ensuring that reveals why a certificate was not issued. The owner or the rightful owner of the actual violence shall be informed immediately.

(3) If secures an assured thing, as the police did prevent impairments as possible. This does not apply if the item is held by the third party at the request of any interested party.

(4) The custody matters are recorded and labeled in a manner that avoids any possible confusion.

§ 49

Exploitation, destruction

(1) The recovery of a thing seized is admissible if

1 their spoilage or a substantial impairment threatens

2 their custody, care or maintenance is unnecessarily high costs or difficulties

3 they can not be kept due to their nature that further risks to public safety and order are excluded,

4 it may, after a period of one year will not be released to a guardian, without ensuring that the conditions would occur again, or

5 the claimant fails to collect it within a sufficient timescale, although it has been served with a notice on the notice period that the matter is recycled if it is not collected within the time limit.

(2) The person concerned, the owners and other persons entitled to the right of the matter, will be heard before recovery. The arrangement and the time and place of the sale shall be communicated to them, as circumstances and the purpose of the measures allow it.

(3) The matter is utilized by public auction; § 979 paragraph 1 of the Civil Code shall apply accordingly. If the auction is unsuccessful, it appears hopeless from the start of the auction or the cost would likely exceed the expected proceeds, as the case may be sold privately. The proceeds shall take the place of the recovered thing. Can not find a buyer within a reasonable time, the matter can be applied to a charitable purpose.

(4) Seized property can be destroyed or unusable if

1 in the case of recycling the reasons that qualified to ensure persist or freezing reasons would arise again or

2 recovery is not possible for other reasons.

Paragraph 2 shall apply accordingly.

§ 50

Publication of seized property or the proceeds, costs

(1) When the requirements for ensuring longer exist, the things are to be surrendered to the one to which they have been secured. It is not possible to publish to it, they may be issued to another, making his permission credible. The issue is excluded, if this would happen again the conditions for securing.

(2) If the property has been recovered, the proceeds must be surrendered. If a claimant does not exist or can not be determined, the proceeds shall be deposited in accordance with the provisions of the Civil Code. The right to restitution of the proceeds goes three years after the year in which the goods have been recycled.

(3) The costs of the seizure and detention fall under § 17 or § 18 charge to load. Several managers are jointly and severally liable. The publication of the matter may be made subject to the payment of costs. If one thing has been recovered, the costs can be met from the proceeds. The costs would be recoverable in the administrative enforcement proceedings.

(4) § 983 of the Civil Code shall remain unaffected.

Section 3

Compensation

§ 51

To compensate for mandatory offenses

(1) Suffering someone

1 as a result of a lawful use according to § 20 paragraph 1 or

2 by an action on the basis of § 62 para 1

any damage, is to grant him a reasonable compensation.

(2) Paragraph 1 shall apply mutatis mutandis if someone

1 as a result of an unlawful act or

2 as a disinterested third party

in the performance of duties of the Federal Police has suffered damages.

(3) The compensation of the damage is also granted to persons

1 who have voluntarily participated with the approval of the competent authority in the performance of duties of the Federal Police or made things available

2 have been ordered according to § 63 paragraph 2 to auxiliary police officers

and have caused damage.

(4) Further claims, in particular of official misconduct, remain unaffected.

§ 52

Content, nature and extent of compensation

(1) The balance according to § 51 is generally granted only to property damage. For loss of profit, which goes beyond the failure of the ordinary earnings or usage fee, and disadvantages that are not directly related to the regulatory measure, compensation is only due if and to the extent deemed necessary to avoid undue hardship appears.

(2) For a violation of the body, health or liberty is also the damage is not financial loss, offset by a fair compensation.

(3) The compensation shall be paid in cash. Has to compensate the compulsory measure the elimination or reduction of earning capacity or an increase in the needs or the loss or impairment of a right to maintenance result, the compensation by payment of a pension is to be granted. § 760 of the Civil Code shall apply. Instead of a pension compensation may be required in cash, for an important reason. The claim is not thereby excluded that another has to grant the injured party maintenance.

(4) If, as is the injured party claims against third parties to the extent these claims on the content and scope correspond to the compensation claim to provide just compensation to the assignment of these claims.

(5) In determining the compensation of all the circumstances are taken into account, in particular the nature and predictability of the damage and whether the injured person or his property has been protected by the measure of authority. Have circumstances that the victim is responsible, acting on the emergence or worsening of the damage, the obligation to pay compensation and the amount of compensation depends in particular on the extent of the damage has been caused mainly by the victim or by the authority.

§ 53

Compensation in case of death

(1) In the case of slaughter in accordance with § 52 para 5 equalize that of the costs of the funeral, which is responsible for the obligation to pay these costs.

(2) If the deceased at the time of injury to a third party in a relationship, on the basis of which it by law was alimony this over or could be dependents, and is the third party deprived of the right to livelihood as a result of the killing, the third party may entitled to claim reasonable compensation under § 52 paragraph 5, the deceased would have been committed during his or her life for the grant of maintenance. § 52 para 3 sentence 3 to 5 shall apply mutatis mutandis. The compensation can be demanded even if the third party witnessed the time of the injury, but was not yet born.

§ 54

Limitation of the compensation claim

The claim to the compensation limitation period of three years from the date in which the victim, in the case of § 53 of the beneficiaries, of the damage and to compensate debtor obtains knowledge, regardless of this knowledge in thirty years of the entry of the damaging event.

§ 55

Compensation obligations, the compensation

(1) Compensation Paid is the Federal Republic of Germany. This also applies to official acts of the police officers in the country according to § 64 para 1

(2) The Federal Republic of Germany may require the responsible according to § § 17 and 18 people reimbursed for their expenses if they have granted pursuant to § 51 Section 1, Section 2, No. 2, Section 3 or compensation. If several persons are next to each other accountable, they are jointly and severally liable.

(3) Has been offered compensation on the basis of an official act of an official of the police of the country in accordance with § 64 Section 1 only because of the way the implementation of a measure, the Federal Republic of Germany is available from the country in whose service the official require reimbursement of their expenses, unless they themselves will be responsible for the manner of implementation.

§ 56

Legal

Claims for damage compensation is the ordinary courts, given to claims for reimbursement in accordance with § 55 paragraph 2 and 3 of the administrative courts.

Section 4

Organization and Responsibilities

§ 57

Federal police

(1) Federal police agencies are the federal police headquarters, the Federal Police, the Federal Police Academy and the Federal Police offices.

(2) The Federal police headquarters as a means authorities and under their federal police offices as sub-authorities in their areas of responsibility comply with the duties to be performed by the Federal Police. The federal police headquarters are assigned to organizations and units. The federal police headquarters subject to the Federal Ministry of the Interior immediately.

(3) The Federal Police Department met centrally be perceived responsibilities of the federal police. In particular, it supports referred to in paragraph 2 of the Federal Police authorities in national affairs by

1 Collection and analysis of news and documents

2 Development of concepts for the fulfillment of the tasks of the Federal Police under § § 2 to 4,

3 Coordination and control of the performance of police duties in the field of law pursuant to § 12,

4 Perception of the service transactions with foreign or international bodies not provided for in the federal law provides otherwise.

The Federal Police is under the Ministry of the Interior immediately.

(4) The Federal Police Academy is the central education and training center for the Federal Police. It is under the Ministry of the Interior immediately.

(5) the number and seat of the federal police authorities determined by the Federal Ministry of the Interior, after consultation with the seat of the country involved.

(6) The numerical strength of the Federal Police is derived from the budget.

§ 58

Substantive and territorial jurisdiction

(1) The Federal Ministry of the Interior, by ordinance regulates the substantive and territorial jurisdiction of various federal law enforcement agencies.

(2) federal police officers may carry out acts throughout the area of responsibility of the Federal Police. They should be active in regulating the responsibility of their authority.

(3) federal police officers can continue and take the fugitives, the pursuit of fugitives also in § 6 and § 7 para 1 designated geographic areas of responsibility of the Federal Police also.

§ 59

Single and combined duty police task performance

(1) The powers of the federal police headquarters put organizations and units of the Federal Police, primarily for measures that require the use of closed associations or units.

(2) The Federal Police authorities perform their duties generally true retail business. Requires the defense of a hazard within the jurisdiction of the Federal Police offices use closed groups or units, the necessary measures shall be taken in consultation with the police in the country.

§ 60

Use of helicopters

The Federal Police has in accordance with the budget as a police helicopter over-use and transport, and for the carriage of members of the constitutional organs of the Federation, members of the Federal Government and their guests. The Federal Ministry of the Interior shall determine by administrative rule requirements and procedures for the transportation of persons by helicopter of the federal police, if it is not to the use of helicopters as police use and transport.

§ 61

Border crossing points, border permit

(1) The Federal Ministry of the Interior shall decide in consultation with the Federal Ministry of Finance on approval and closure of border crossing points. There are those decisions in the Federal Gazette.

(2) The Federal Police offices set in consultation with the Regional Finance Office, the opening hours for each border crossing points according to traffic needs fixed and make it on the notice board at the border crossing point.

(3) The Federal Police offices, individuals or groups of people give permission to cross the border outside authorized border crossing points outside the fixed hours or with other than the authorized modes of transport when a special need exists for it, and not contrary to public policy. The limit may be granted permission subject to conditions and also be retrofitted with requirements and limited and may be revoked at any time.

(4) If a country perceives the agreement with the federal government tasks of border police single service with its own forces can be determined in the agreement in accordance with § 2 section 3 that authorities or police forces of the country rather than the Federal Police offices referred to in paragraphs 2 and 3 be active.

(5) Where the customs administration tasks according to § 2 are transmitted by regulation under § 68 sentence 1 to exercise, can be determined in the ordinance that the Customs authorities are acting in place of the Federal Police offices in paragraph 3.

§ 62

Support obligations

(1) The Federal Police may, to the extent necessary to perform their duties according to § 2,

1 Plots with the exception of buildings enter and drive,

2 require that property owners and owners leaving a border path, up to fences or culverts crossings, bridge ditches or condone the attachment of boundary markers or warnings

3 rely on their own cost boundary markers or warning signs, border paths, culverts, bridges or transitions up or improve.

(2) The transport companies active in cross-border travel and operators of companies whose premises the federal police to exercise functions under § § 2 to 4, are required

1 the bodies responsible for carrying out these tasks officials to allow free entry to their facilities and means of transport

2 to transport them free of charge in the discharge of these duties,

3 the authorities responsible for carrying out these tasks departments timetables and flight schedules, and actual traffic flows in time and unpaid share.

(3) The undertakings referred to in paragraph 2 shall provide the responsible for the performance of their duties under § § 2 to 4 departments of the Federal Police the necessary premises and parking for service vehicles available and keep these facilities in good condition. The Federal Police paid the company at the request of their costs, if they do not need these features anyway. As far as an expense beyond the level that is customary for facilities of the Federal Police, they will not be reimbursed.

(4) The Federal Police may require the undertakings referred to in paragraph 2 additional facilities and services that can be expected of them under the circumstances related to the performance of duties of the Federal Police under § § 2 to 4 and. § 8 para 1 sentence 1 no 1 second phrase of the Aviation Security Act remains unaffected. The undertakings referred to in paragraph 2 may require compensation for their cost.

(5) For to be paid by the federal police, a lump sum payment can be arranged.

(6) Transportation Federal administrations regarded as undertakings for the purposes of the preceding paragraphs.

§ 63

Correctional Service, auxiliary police officers

(1) activities of the prison service in the federal police are transferred to law enforcement officials in general.

(2) The federal police to suitable persons to carry out certain tasks

1 in monitoring the borders and in the control of transboundary movement (§ 2 para 2, No. 1 and 2),

2 in the defense against dangers in the field of railway facilities of the federal railways (§ 3),

3 to protect against attacks on the security of air transport (§ 4) or

4 for the protection of constitutional organs of the federal government and federal ministries (§ 5) and to secure facilities of the Federal Police (§ 1 para 3)

order to auxiliary police officers, where the need arises. The order can be revoked at any time.

(3) The auxiliary police officers as part of their duties, the powers of officials of the Federal Police. However, you are not authorized to 9 apply direct obligation according to § § 14 to the Act on the direct obligation upon exercise of public authority by law enforcement officials of the federal government.

(4) The Federal Ministry of the Interior shall determine the authorities responsible for the supervision of the auxiliary police officers and their ordering Federal agencies.

§ 64

Official actions of law enforcement officials of the countries as well as from other federal law enforcement officer or other states within the jurisdiction of the Federal Police

(1) law enforcement officials of a country can make acts for the performance of duties of the Federal Police

1 at the request or with the consent of the competent Federal Police,

2 to avert a present danger to prosecute crimes within the meaning of § 12 Section 1 of the act as well as to track and recapture from the custody of the federal police leaked when the responsible federal police authority can not take the necessary measures in time.

In the cases of paragraph 2, the competent federal police authority shall be informed immediately.

(2) If a country's law enforcement officials act in accordance with paragraph 1, their powers governed by the law applicable to the country's police.

(3) Paragraph 1 shall apply mutatis mutandis to other federal law enforcement officials. Law enforcement officials so far have the same powers as the Federal Police. Their actions are considered by the Federal Police. They are subject to the instructions of the extent relevant federal police authority.

(4) Law enforcement officials of other states with police duties can make the jurisdiction of the federal police official acts, as far as international agreements so provide. The exercise of powers conferred by law enforcement officials of other states pursuant to sentence 1 is only due to an international agreement that requires the participation of the legislative bodies in accordance with Article 59 § 2 of the Basic Law allowed. Enforcement officers from other states of the European Union may be entrusted with tasks of law enforcement services in the Federal Police, in consultation with the competent authorities of that other State in accordance with the rules applicable to the appointment of extra police officers provisions of § 63 para 2 to 4.

§ 65

Official acts of officials of the Federal Police within the jurisdiction of a country or activities in other states

(1) law enforcement officers from the federal police may operate in the jurisdiction of a country if the respective national law so provides.

(2) law enforcement officials of the Federal Police may operate outside the Federal Republic of Germany, as far as international agreements so provide, or agree in general or in individual cases, the Federal Ministry of the Interior, in consultation with the competent authorities of the other country engaged in a Federal Police officers abroad.

§ 66

Official acts of officials of the Customs Department under the jurisdiction of the Federal Police

(1) The Federal Ministry of the Interior may appoint at each border crossing points, in agreement with the Federal Ministry of Finance officials of the customs administration with the performance of duties of police control of cross-border traffic (§ 2 para 2 No. 2), so far as the handling of cross-border passenger traffic is simplified.

(2) corporate officers of the customs administration, as have tasks referred to in paragraph 1 they perceive the same powers as federal police officers. Their actions are considered by the Federal Police. The Federal Ministry of the Interior and the subordinate federal police practice against them so far from the expert supervision.

§ 67

Official acts of officials of the Federal Police within the jurisdiction of the Customs Administration

(1) The Federal Ministry of Finance may appoint, in consultation with the Federal Ministry of the Interior officials of the Federal Police with the performance of duties of the Customs administration at individual border posts, so far as the handling of cross-border passenger traffic is simplified.

(2) corporate officers of the Federal Police, as have tasks referred to in paragraph 1 they perceive the same powers as officers of the customs administration. Their actions are regarded as measures of customs administration. The Federal Ministry of Finance and the subordinate customs bodies shall perform towards them the extent of the technical supervision.

§ 68

Performance of duties by the customs administration

The Federal Ministry of the Interior may transfer, in agreement with the Federal Ministry of Finance by ordinance to the customs authorities to exercise

1 police control of cross-border traffic (§ 2 para 2 No. 2) at each border crossing points,

2 other duties according to § 2

Takes the customs administration tasks by Theorem 1 true, § 66, paragraph 2 accordingly.

Section 5

Final provisions

§ 69

Administrative provisions

The Federal Ministry of the Interior shall issue general administrative provisions necessary for the implementation of this law in the federal administration.

§ 70

Restriction of fundamental rights

The fundamental rights of physical integrity (Article 2, paragraph 2, sentence 1 of the Basic Law), the freedom of the person (Article 2, paragraph 2, sentence 2 of the Basic Law) and the freedom of movement (Article 11, Paragraph 1 of the Basic Law) will be limited in accordance with this Act . The fundamental right to the inviolability of the home (Article 13 of the Constitution) is limited by § § 45 and 46.