

Information

from the Parliamentary Commissioner for the Armed Forces

Annual Report 2022 (64th Report)

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Foreword

One year ago, on 24 February 2022, Putin's Russian forces invaded Ukraine. This war of aggression is in violation of international law, and it not only questions the sovereignty and existence of Ukraine, but it is also a serious threat to the structure of peace in Europe. After years, and decades, of peace, freedom and security, there is once again war in Europe. This changes everything – for the Bundeswehr in particular.

National and alliance defence is (once again) the core task of the Bundeswehr. What for a long time was merely theoretical following Putin's illegal annexation of Crimea in 2014 has now become a bitter reality and an urgent necessity. Our service personnel quickly and directly learned specifically what that means.

Within a short period of time, NATO massively bolstered its eastern flank with its allies and partners as a deterrent to Russia and as a show of solidarity. The Bundeswehr made an outstanding contribution in this effort: infantry to Lithuania, PATRIOTS to Slovakia, EUROFIGHTERS to Estonia and Romania and nearly the entire floating Navy to the Baltic Sea.

This impressive operational readiness and cold-starting ability is thanks to our 183,000 service personnel, who are taking on the new situation with a high level of professionalism. They are aware that it could become serious at any moment and occasionally must go very rapidly. This attitude and this approach are exemplary.

The war in Ukraine is showing all of us what serving in the Bundeswehr means: if it comes down to it, our service personnel give their own lives for our peace and our freedom. Being a servicewoman or -man is a job like no other.

The war is also making clear that we need the Bundeswehr and what we need it for. Interest in the force and in security and defence policy has seldom been as great as it is now. Agreement on the need to comprehensively modernise the Bundeswehr has seldom been as widespread in society as it is now. That it had to come to a terrible war to reach this realisation is a bitter truth.

In a historic speech at the German Bundestag on 27 February 2022, Federal Chancellor Olaf Scholz described the war as a turning point in the history of Europe – and for the Bundeswehr. As a result, the German Bundestag, with a large majority supporting the measure, established a special fund of EUR 100 billion to ensure the full readiness of the Bundeswehr. That was a right and necessary decision. However, it is not enough.

Although the first projects are under way, not a single cent from the special fund made its way to our servicewomen and -men in 2022. The procurement system is too complacent. The burden placed upon the field units has grown, but the clothing depositories, ammunition depots and spare parts storage facilities are as sparsely filled as ever.

In addition, when it comes to readiness, the scope is all too often narrowed to the special fund and materiel. But readiness means so much more. Readiness means a Bundeswehr with the necessary personnel. Readiness means modern infrastructure. Readiness means clear structures and lean processes that accelerate workflows rather than put the brakes on them. And, last but not least, readiness means the courage and responsibility to make decisions and implement them. At all civilian and military levels.

The special fund can therefore only be an intermediate step on the journey to a cold-start-capable, fully ready and well-equipped Bundeswehr. This annual report makes this clear as well.

The annual report is not a progress report for the special fund. It is also not a report on the number of tanks driving, EUROFIGHTERS flying and frigates floating. The annual report is so much more. It illuminates the Bundeswehr in its diversity and breadth, the concerns, hardships and challenges – both large and small – of the field units. It touches wounds that often cause our service personnel more pain than missing or non-operational major defence equipment.

I learn about what motivates, worries and burdens our servicewomen and -men through individual petitions, personal conversations and troop visits. In 2022, I was on the road for around 100 days and visited more than 70 locations at home and abroad.

The best troop visits were those where skilled commanders presented their forces and put the situation on display without holding back. This is precisely the right approach. There is no need to mow the lawn or cover rubbish bins with camouflage nets for me. Questions should not be pre-approved and answers not rehearsed. And there is no need to tell me there is enough personnel if, in reality, the units are 20 per cent short.

The Parliamentary Commissioner for the Armed Forces supports the German Bundestag in its parliamentary oversight. I do not come for command supervision. I come to offer support and see myself as an advocate for the servicewomen and -men – for all service personnel, be they a private or a general, subordinate or superior. I hope and expect that shortcomings are openly communicated to me, because this is the only way I can get an honest assessment of the situation. Only then can I take topics and concerns back with me to the politicians in Berlin and advocate for improvements and progress.

Many of the problems addressed in the annual report have already been known for years and can be found in previous annual reports. And yet, shockingly little has been done about these problems in the meantime. It could be that the polite disinterest that, for years, many had for the Bundeswehr also applied to the annual report. The public perception of, and appreciation for, the Bundeswehr has undergone a massive transformation since the outbreak of, and due to, the war in Ukraine. This type of transformation would also be welcome for the annual report.

Now more than ever, the annual report should provide impetus for all those with political and military responsibility to take on these well-known problems and to work through them point by point. That would not only make everyday duty much easier for our service personnel, it would also make a significant contribution to the full readiness and cold-starting ability of the Bundeswehr.

The annual report does not just highlight mistakes and failures, however. It also discusses the things that are going well, where progress has been made and improvements implemented. This is a matter of particular importance to me, because talking only about mistakes and failures does not nearly do justice to our servicewomen and -men.

Our service personnel guarantee our peace, freedom, security, democracy and rule of law. They do this day in and day out – loyally, with conviction and with an awareness of their responsibility. And all under somewhat difficult framework conditions. In light of this, the high degree of motivation, readiness and performance of our servicewomen and -men is not a matter of course – it is remarkable. They deserve our recognition, respect and appreciation for this. More than ever in these serious times.

We can and should be very proud of our servicewomen and -men. I would like to express my heartfelt thanks to them for their responsible and valuable service to us.

I would also like to thank all those who take care of our servicewomen and -men and their families: the Bundeswehr Assistance Network, the Bundeswehr Psychosocial Network, the military chaplaincy and the wide range of associations and foundations – from the Foundation for Hardship Cases, the Bundeswehr Welfare Association, the foundation Oberst Schöttler Versehrten-Stiftung and the von Rohdich'scher Legatenfonds foundation through to the Protestant and Catholic Association for the Welfare of Military Personnel – just to name a few. They make an outstanding contribution to the support and care of our service personnel.

In conclusion, I would also like to thank all of my colleagues at the Office of the Parliamentary Commissioner of the Armed Forces. They write the annual report, process petitions and accompany me on troop visits. They advocate for our servicewomen and -men and their well-being with plenty of experience and empathy. I have an extraordinary appreciation for this support and dedication.

The year under review in brief

The year under review was characterised by Russia's invasion of Ukraine – a violation of international law – and its devastating consequences for the people of Ukraine, as well as the long-term effects on developing countries and the Western world as a whole. The new Federal Government, which had only been in office for a few months, was faced with difficult tasks. In the words of the Federal Chancellor, the day of the invasion – 24 February 2022 – marked a turning point in many respects for Germany, for Europe and for the international security order. In the special session of the German Bundestag convened on Sunday, 27 February 2022, the Federal Chancellor made it clear that substantially higher investment in the security of our country was necessary to protect our freedom and our democracy and to ensure our prosperity. He announced that the Bundeswehr would be provided with a special fund in the amount of EUR 100 billion to be anchored in the Basic Law. The German Bundestag, which had only been constituted in October 2021, passed the bill for these funds outside of the regular federal budget by a clear majority in June of the year under review. In addition, the Bundeswehr had access to regular budgetary funds in the amount of EUR 50.4 billion for 2022.

The enormous financial boost for the Bundeswehr provided by the special fund – which was intended to pave the way towards full resourcing and make it possible to place the focus back on national and alliance defence – was vital. At the time, communiqués from among the highest officer ranks stating that the military forces were more or less exposed or that the ammunition would only be sufficient for a few days underscored the urgency of quickly resolving the shortages in many areas of the Bundeswehr that had been known for years. The sensible and justified delivery of military equipment and materiel to Ukraine further exacerbated the situation, because no appropriate replacements are immediately available. The equipment and materiel delivered must be replaced quickly to avoid permanent harm to the readiness of the Bundeswehr. The EUR 100 billion alone will not be sufficient to compensate for all shortages; according to estimates of military experts, this would require a total of EUR 300 billion. Based on the 1.5 per cent of gross domestic product achieved in the year under review, the size of the defence budget must therefore increase constantly and in clear steps over the coming years towards the NATO target of 2 per cent. In particular, price developments in the energy and commodities sectors and the increased international demand for military equipment of all kinds make growing defence budgets necessary in future as well.

Along the way, it is essential that the resources from the special fund and the budget are spent and invested expeditiously in equipment, materiel and personal equipment for the service personnel. This is the challenge for the Federal Ministry of Defence more than ever. A few positive approaches, such as the decision to rely more on equipment which is available on the market and thus able to be procured more quickly, and the raising of the limit for direct awards from EUR 1,000 to EUR 5,000, came rapidly. The resolutions passed at the end of the year under review – for example for the procurement of the F-35, the successor to the TORNADO, a new heavy transport helicopter, armed drones, new assault rifles and new digital radios – are steps in the right direction. Moreover, the measure of moving up the timeline for full resourcing with personal combat clothing and personal equipment promises a tangible improvement for all servicewomen and -men. This was made possible by a coordinated approach of the Federal Government and the Bundestag, which approved an additional budget of nearly EUR 2.4 billion to this end. However, these acquisitions – which are now scheduled to make their way to the field units by the end of 2025 instead of 2031 – are long overdue. The service personnel have been waiting for years in particular for the modern combat clothing set, the modular ballistic protection and carrying equipment, a combat helmet and rucksacks.

In addition, further amounts in the tens of billions are necessary to replenish ammunition stocks and to build ammunition storage sites. These resources are not included in the special fund, but rather must be financed through the annual defence budget, which will be difficult to manage. Better planning in the form of a longer-term ammunition strategy that includes binding agreements with the defence industry would therefore be sensible.

At the end of the year under review, it could be seen that many examinations had been carried out in addition to the aforementioned positive approaches, but specific decisions and the implementation thereof were largely still pending. There had been no expenditure from the special fund as at the end of the year under review. “Everything takes too long” – this statement, which has been spot on regarding procurement and construction measures of the Bundeswehr for years, unfortunately can also be said about the resources provided by the special fund. The initiated reform in procurement processes must therefore be accelerated, framework conditions optimised, awarding contracts made easier and digitalisation for the simplification of all manners of

administrative procedures driven forward. All in all, regulation needs to be scaled back and bureaucracy reduced. The Bundeswehr must continue down the path of procuring products available on the market rather than developing overly expensive tailor-made solutions. More ideas beyond the procedures already initiated could further accelerate the process. It could be taken into consideration, at least temporarily until amendments have been implemented, to forgo certain parts of the existing regulations. Greater transparency through a constantly updated report on the status of orders, contract awards and procurements made from the special fund could increase pressure in this regard. In the long run, however, sweeping success can only be achieved with laws adapted to the fundamentally altered security situation. The same goes for the immense need to catch up on the backlog of construction and infrastructure measures. Too many barracks in Germany are in deplorable condition. At the current pace and under the existing conditions, it would take around half a century to completely modernise merely the infrastructure of the Bundeswehr already in existence.

For the expansion of renewable energies and roads, legislators responded flexibly with the draft of the law for the acceleration of administrative court processes in infrastructure of December 2022. Within the year under review, the LNG Acceleration Act made it possible to open the first German terminal for the import of liquefied natural gas (LNG) in Wilhelmshaven with merely ten months of planning and construction time. “This is the new German speed with which we will make progress in terms of infrastructure, and it should be the example not only for this facility but also for many, many others,” said the Federal Chancellor at the opening of the terminal. These words should also apply for defence – “the new German speed” is also needed here.

To make the structures of the Bundeswehr more effective and more efficient as well as to increase the readiness, in their coalition agreement the governing parties agreed to carry out a critical stocktaking. The Federal Ministry of Defence report on the findings presented at the end of the year under review therefore once again comprehensively analyses the existing problem areas and makes reform proposals based on them. However, unless decisions are made and implemented quickly, the plans contained in the report will have no benefit to the field units. In light of the war in Ukraine, the servicewomen and -men must immediately feel that the Bundeswehr is equipping them appropriately for their altered mission. To contribute to the collective defence of our allies in eastern Europe through credible deterrence, there are other dimensions and other requirements of the Bundeswehr than for other deployments abroad to date. While deployments like Afghanistan called for the provision and equipping of two battalion-size units – each with 300 to 1,000 soldiers – national and alliance defence involves brigade-size units or higher. Three divisions with eight brigades and a total of some 50,000 service personnel have been promised to NATO. In 2023, Germany will be the core nation of NATO’s spearhead Very High Readiness Joint Task Force (VJTF), which is why, in the year under review, 37 Armoured Infantry Brigade underwent a series of various exercises as part of intensive preparations for its mission as NATO’s rapid-response force. However, these exercises can only fulfil their purpose if the necessary equipment is available. This applies all the more to deployment and impacts both major end items and primary weapon systems as well as materiel and clothing.

All servicewomen and -men of the Bundeswehr know that things can become serious and then have to be dealt with quickly, which is why they must be ready at all times. This is unlikely to change in the coming years. The field units take on their mission with great dedication and professionalism. This attitude and this approach are exemplary. However, it can expect correspondingly altered conditions in return. Personnel support and personnel management, operational readiness and family, fear of war, the fears of children, trauma – these are just a few of the topics that we have to rethink, because soldier support and care are also fundamental components of operational readiness over the long term.

More than ever, the new assignments demand that we consistently pursue the Ministry of Defence goal of increasing the number of personnel to 203,000 servicewomen and -men by 2031. As at the end of the year, this figure was 183,051 service personnel, of which 56,729 were career soldiers, 116,872 were temporary-career volunteers and 9,450 were volunteers for military service. This is thus a slight decrease compared to the previous year with 183,695 soldiers. We therefore have a long way to go to achieve the target figure by 2031, especially with numbers of applications also declining significantly by around 11 per cent in the year under review. The Bundeswehr must once again massively increase its efforts to recruit to meet the rising demand for personnel, because the approach of past years has not managed to meet the stated targets. One building block would be notching up efforts to recruit suitable women: not only is there significant potential in this regard, but there is also a need to make up ground. In 2022, the quota of 15 per cent for all career paths except for the Medical Service prescribed by the Act on Equal Opportunities for Female and Male Military Personnel was 9.50 per cent. Even including the Medical Service, the proportion of female soldiers was only 13.21 per cent. In

accordance with the aforementioned law, women with equal qualifications are to be hired over men. Attractive working conditions play an important role in competing with other employers – for women as well as men, for new recruits as well as for the retention of existing personnel. In addition to financial incentives and long-term prospects, these also include location certainty, the best equipment and appropriate infrastructure, a family-friendly work–life balance that provides for childcare, career opportunities and a positive working environment. Even though the Bundeswehr still has room for improvement in certain areas, it already has a wide range of appealing offers and should present itself accordingly. For instance, the diversity of training and career advancement opportunities as well as the camaraderie embodied by the Bundeswehr are hard to find in other sectors of the professional world.

The presence of the Bundeswehr in society, which had been on the decline since the suspension of compulsory military service, was regained to a certain extent by the positive perception of service personnel as part of administrative assistance during the Covid-19 pandemic and flood missions. In particular Russia's invasion of Ukraine made it clear to the people of Germany why we need the Bundeswehr. They have recognised what the armed forces do and that our servicewomen and -men defend our peace, freedom, security and democracy. Since then, the Bundeswehr has been treated with respect and experienced a high level of societal, political and media attention. The Bundeswehr can take advantage of this attention to motivate women and men to join the armed forces.

It is encouraging that the outstanding, and now concluded, deployment of the Bundeswehr during the Covid-19 pandemic finally received recognition at the end of the year under review. On 4 November 2022, as part of a muster at the Berlin offices of the Federal Ministry of Defence, the former Minister of Defence honoured several hundred servicewomen and -men, reservists and civil servants of the Bundeswehr on behalf of all involved for their coronavirus administrative assistance actions. In doing so, she complied with the request of the Parliamentary Commissioner for the Armed Forces from the last two annual reports to award a modified service medal by handing out the first coins embossed especially for this administrative assistance operation. For the troops deployed on the flood mission in July 2021, the Federal President – on the initiative of the Minister of Defence, the former Minister of Defence and the Federal Minister of Transport – approved the award of a service medal on 1 September 2022 which is scheduled to be awarded over the course of 2023.

During the year under review, the German Bundestag began using tried-and-tested processes to examine the deployment of the Bundeswehr in Afghanistan overall as well as the evacuation mission which took place in summer of 2021. While the Committee of Inquiry constituted on 8 July 2022 is focusing on the latter, the parliament – accompanied by the Study Commission on “Lessons from Afghanistan for Germany's future networked commitment” – is working through the deployment there, also to draw conclusions for Germany's ongoing and future international military and civilian commitments.

In light of its limited resources, the refocus on national and alliance defence and the growing commitment on NATO's eastern flank will correspondingly reduce the Bundeswehr's scope to take part in conflicts on other continents. As part of a total of nine operations mandated by the German Bundestag, 1,780 servicewomen and -men of the Bundeswehr were deployed as at the end of the year under review, of which the largest contingents were MINUSMA with 1,087 service personnel and EUTM Mali with 127 service personnel. In addition, exacerbated by the developments on NATO's eastern flank, there were numerous standby commitments, standing operational tasks and other commitments. Germany maintained approximately 14,200 troops for the NATO Response Force on a permanent basis. Bolstering NATO's eastern flank as part of the ENHANCED FORWARD PRESENCE mission with 882 soldiers in Lithuania and the ENHANCED VIGILANCE ACTIVITIES mission with 490 soldiers in Slovakia played an increasing role – also with respect to the numbers – in this regard. All forces combined, there were a total of 21,100 servicewomen and -men bound as part of Bundeswehr operations, standby commitments, standing operational tasks and other commitments at the end of 2022. Regular examination and assessment of the operations with regard to their status and the possibility of achieving the goals as stipulated by the coalition agreement is very welcome. However, this requires a more in-depth political discussion – both in advance and concomitantly – about the objectives of each individual mission and which expectations they can fulfil. This is the only way to enable transparency for parliament and the public regarding the degree of success of an operation and from which point in time a withdrawal can or must ensue.

During numerous troop visits, highly motivated soldiers described, for instance, how often and how long they had been deployed at sea, in operations abroad, at training areas, at training facilities or as part of NATO commitments. Often one deployment is followed by another over a period of years. The enhanced mission on NATO's eastern flank has exacerbated the situation. In the Medical Service, the burden from additional

assignments is also extraordinarily high. At the same time, the Medical Service personnel must maintain routine operations, for instance in Bundeswehr Hospitals and the regional medical facilities. In addition, their administrative assistance during the Covid-19 pandemic means they already have two extraordinarily challenging years behind them.

The extreme burden placed upon many outfits and units is due to, among other things, the high number of unoccupied posts in various areas of the Bundeswehr, which has been a problem for years. As at the 31 December 2022 reporting date, 18,692 of the 117,987 military posts above the junior ranks were unoccupied. This corresponds to 15.8 per cent. Although there will be a certain degree of relief with regard to use in deployments abroad due to the Federal Government's intention to fully terminate the mission in Mali in May 2024, new duties have been added. In consideration of the health and motivation of the servicewomen and -men, there might be a need to question further duties and to put them on hold if there is not sufficient personnel for the execution thereof. Regarding the Medical Service, the Ministry of Defence has recognised that a substantial increase in personnel is necessary for national and alliance defence and it approved the addition of 2,000 posts for the intermediate goal for 2025. However, this does not yet represent relief needed in the short term.

Servicewomen and -men must know what they are fighting for – the terrible war in Ukraine has once again made this clear and underscores the importance of the principles of *Innere Führung* (leadership development and civic education) in the Bundeswehr. The absolute majority of troops have their feet firmly on the ground of the Basic Law and defend the values it enshrines. If there are factual circumstances which indicate that servicewomen and -men sympathise with efforts or support activities directed against persons, organisations or facilities of the Federal Ministry of Defence and its executive agencies, the Federal Office of Military Counter-Intelligence (FOMCI) gathers information – in particular factual and personal information, records and messages – as part of its statutory mandate and then analyses this information. In 2022, it acted on 195 cases in the category of “right-wing extremism”, 19 in “Islamic extremism”, 11 in “Reichsbürger/supporters of self-governance”, 6 in “left-wing extremism”, 9 in “extremism by foreigners” and 1 in “scientology”, thus totalling 241 new suspected cases, which the FOMCI has classified as counter-intelligence operations as part of a new counting method since 2022. To a certain extent as a preliminary step, as part of 149 intelligence review operations it investigated whether it is responsible and whether there is sufficient evidence for a suspected case. The nationwide police raid in December of the year under review carried out due to suspected terrorist activities in the Reichsbürger scene stood out, with one active serviceman and reservists among the 25 individuals arrested. Right-wing extremist behaviour in sensitive areas such as the armed forces represents a decisive qualitative difference, because the service personnel concerned not only have access to weapons in most cases, but they are frequently also trained in the use thereof. Right-wing extremism in the Bundeswehr is therefore to be evaluated particularly critically and, moreover, often relevant for purposes of not only disciplinary but also criminal law.

However, for years now, judicial disciplinary proceedings at the offices of the disciplinary attorneys for the armed forces, and especially at the Bundeswehr disciplinary and complaints courts, have been taking much too long, which, under certain circumstances, is to be taken into consideration as a mitigating factor when assessing the measure to be imposed. This is particularly infuriating in cases of substantiated racist or right-wing extremist acts, sexual assault or other criminally relevant behaviour. In this regard, swift disciplinary action would be a strong signal not only to the accused persons themselves, but also to the field units in general. Ultimately, the prompt proscription of intolerable behaviour is a crucial factor in measures against right-wing extremism, which is why a significant focus should be placed upon optimising the conditions in general, especially as disciplinary proceedings for any type of accusation often also have far-reaching duty-related consequences for those involved. For example, they are not promoted and are physically burdened by the long period of uncertainty about the result of the proceedings. The addition of more personnel and increased support for the Bundeswehr disciplinary and complaints courts is imperative to put an end to this current misery for all involved as quickly as possible.

With 357 reportable events in the year under review, the number of reports on violations of sexual self-determination rose once again compared to the previous year (303) and exceeds the figure from the final year before the Covid-19 pandemic, during which the number had declined by quite a bit. An internal Bundeswehr investigation determined that 80 per cent of victims are female and a third of the sexual assaults transpired under the influence of alcohol. Superiors are therefore called upon to make sure that alcohol is consumed in moderation, if at all, as part of service-related festivities and to serve as a role model in this regard.

More than ever, the return to national and alliance defence requires a reliable and an operationally ready reserve as an integral component of the armed forces. This also means that the reserve must be fully manned, equipped, up to strength and trained. There were still substantial deficits in the year under review, in particular regarding training capacities as well as equipment, clothing and regular sustainment training.

The turning point mentioned by the Chancellor in his policy statement on 27 February 2022 means an epochal change in foreign, security and defence policy. This must also be accompanied by a broader strategic debate. The government, parliament and society are called upon to discuss what our objective is with the Bundeswehr, where should it be deployed, what we need to this end and what the status of our relations with international partners is. It will also be crucial to discuss how things will proceed in Europe and whether it is time to mutualise defence policy more in general and to increasingly look at joint defence projects.

For many servicewomen and -men, the impending necessary reform processes will be associated with hard interventions in their career path or their private lives. This means even more responsibility for those decision makers involved in the transformation. They are challenged with finding a balance between the attractiveness of the Bundeswehr for those who serve in it on the one hand and, on the other, the duties of the military profession. Day in, day out, the field units are highly motivated, dedicated and loyal in the performance of their duties. But many active servicewomen and -men as well as reservists go above and beyond in terms of dedication, for instance by demonstrating civic courage and providing effective assistance in the event of accidents and emergencies. In doing so, they saved at least 54 lives in the year under review. On the other hand, we must not forget those servicewomen and -men who have suffered physical or mental injuries in the line of duty, be it as part of a deployment or in routine operations. The spotlight will be on them at the sixth Invictus Games taking place in Düsseldorf from 9 to 16 September 2023 in Düsseldorf under the motto of “A Home for Respect”. All of them – the disabled veterans, the reservists and the active-duty soldiers, as well as the civilian employees of the Bundeswehr – have earned our gratitude, recognition and appreciation.

1. Refocus on national and alliance defence

The year under review was overshadowed by the war in Ukraine, which began on 24 February 2022 with a large invasion by Russian troops. This was a heavy blow to the international security order. In most parts of Europe, we have lived in peace, freedom and security for more than 70 years – this is no longer a matter of course. On 3 March 2022 in New York, the General Assembly of the United Nations held an emergency session and condemned by a large majority Russia's brutal attack on Ukraine and demanded that Moscow end its aggression. The draft resolution was approved by 141 UN Member States. Many countries have since imposed comprehensive economic sanctions against Russia and are providing humanitarian and military aid to Ukraine.

The direct proximity of the war to NATO's eastern flank is a challenge for the Bundeswehr like no other it has seen since its inception. In a threatened European security order, alliance and national defence have become quite concrete, and this has had a grave impact on the duties of the troops. The service personnel are looking to the future development of the Bundeswehr and how the refocus on national and alliance defence would impact their specific professional circumstances. For many, it is uncertain how their battalion will be included in the altered situation, whether their service arm will grow or whether their speciality area will have the same relevance in the new scenarios as it did during the Afghanistan deployment.

As bitter as it may be in the context of the terrible war, the Bundeswehr has been experiencing a high degree of societal, political and media attention since 24 February 2022. Many people in Germany have recognised that the threat is real and speak about the Bundeswehr with respect. They recognise to a greater extent what the field units do, because they know that our servicewomen and -men defend our peace, freedom, security and democracy. In the words of the Chief of Defence, the **cold-starting ability** of the entire Bundeswehr must be restored rapidly to this end. Cold-starting ability means nothing less than fully trained, operationally ready personnel, including a strong reserve and full resourcing of materials as well as ammunition, spare parts and expendable supplies. Within the framework of alliance defence, the Bundeswehr – comprising the armed forces and the defence administration – must, in the event of a crisis, be able to largely mobilise from its basic configuration on short notice. This necessitates different planning and processes than operations in international crisis management. Command and control capability, force sustainment and the military response capability of personnel and materiel must be available more quickly than before. The Bundeswehr is far from this following the reduction process of recent years and the slow-moving reforms in the procurement of materiel and equipment. The Chief of the Army stated on 24 February 2022, immediately after the beginning of the war: “And the Bundeswehr, the Army which I have the opportunity to lead, is more or less exposed.”

At the request of the Federal Chancellor, the German Bundestag came together for a special session on Sunday, 27 February 2022, during which the Chancellor presented the foundation of a new security architecture of the Federal Government under the title of **turning point**. His speech centred on a dedicated **special fund** for the Bundeswehr in the amount of EUR 100 billion equipped with its own authorisation to borrow. The German Bundestag approved this special fund, which is anchored in the Basic Law, by a large majority in June of the year under review. The goal is to maintain the existing capabilities of the Bundeswehr and to be able to make the necessary investments in the defence and alliance capabilities.

The operational readiness of personnel is at least equally important for the cold-starting ability of the Bundeswehr, because the Bundeswehr is only ever as good as the people who serve in it. To strengthen the personnel situation, the necessary servicewomen and -men must be recruited under difficult circumstances and retained in the armed forces for as long as possible. These efforts are not the task of the professionals in the Federal Office of Bundeswehr Personnel Management and in the HR department of the Federal Ministry of Defence alone, but rather a task for the Bundeswehr as a whole. All servicewomen and -men as well as civilian employees are called upon to make the armed forces an appealing employer.

In light of the refocus on national and alliance defence, the spotlight falls once again on the principle of “train as you fight”. An army's readiness to fight is crucially dependent on the practised handling of weapons and ammunition. It is thus all the more alarming that there has been a shortage of ammunition in the Bundeswehr for years. Decades of counting pennies led to less and less ammunition being ordered and the dismantling of ammunition storage sites, which in turn led to the defence industry reducing its production capacities. The situation was exacerbated in the year under review by the provision of ammunition from Bundeswehr inventories to Ukraine. Representatives of the Federal Government and the defence industry discussed this situation during a meeting at the Federal Chancellery on 28 November 2022, with discussions by the Defence Committee shortly thereafter. According to statements from defence companies, increasing production

capacities requires above all plannability, preferably in the form of longer-term framework contracts. It is understandable that these companies insist on firm commitments for multiple years, which is why an **ammunition strategy** is needed, a coordinated approach with binding agreements with the defence industry for when it can produce which ammunition within which time frame. We must take a critical view of the fact that the resources from the special fund are not available to replenish the empty ammunition storage sites. Instead, the amount of at least EUR 20 billion necessary to this end must be cumbersomely financed each year from the defence budget; EUR 1.125 billion is available for this purpose in 2023. In addition, the necessary ammunition storage sites must also be built. There is no room for trying to assign blame to others. As Germany competes with other countries when purchasing ammunition, it would be expedient to organise procurement as a joint task for Europe as a whole.

However, in addition to the necessary equipment, rapid operational readiness also requires that all servicewomen and -men possess elementary military foundation capability. Officer candidates complained repeatedly that they hardly received any such foundation capability training subsequent to their basic training before beginning their study programme. Sound military training should therefore come at the beginning of every soldiering career. In this context, it is expressly welcome that reform considerations in the Army also include a longer and higher-quality military basic training at the beginning of service periods. The Air Force has already ordered changes to its officer candidate courses.

It is good that the Bundeswehr established the Bundeswehr **Territorial Operations Command** in Berlin in October of the year under review. Under the national territorial commander, it bundles all tasks and activities of the field units within the framework of home defence and domestic disaster assistance so that, for example, future hybrid threats can be effectively countered. With regard to NATO commitments, it is also responsible for the redeployment of German troops in accordance with the demands of the alliance, and it supports other NATO countries in the transport and accommodation of their troops in Germany.

The concentration of the Bundeswehr on national and alliance defence made necessary by the war in Ukraine did not allow for any additional room to manoeuvre in permanently keeping an aid contingent at the ready. With an order of the day from 17 March 2022, the Chief of the German Joint Support and Enabling Service, who to date was the national territorial commander, therefore disbanded the Bundeswehr **coronavirus aid contingent**, which had been established in March 2020 to provide support to civilian authorities during the Covid-19 pandemic. The Bundeswehr complied with requests for assistance only in justified individual cases. This marked the end of the largest administrative assistance operation in the 66-year history of the Bundeswehr. The women and men of the Bundeswehr performed more than 10,000 requests for administrative assistance over a total of some 20 million working hours. The peak came on 15 February 2021, when on a single day around 19,000 Bundeswehr personnel were deployed in the fight against the pandemic. The decision to disband the aid contingent was proper and important. In line with the principle of subsidiarity, administrative assistance is short term in nature and must not become a permanent circumstance.

The turning point mentioned by the Chancellor in his policy statement on 27 February 2022 means an epochal change in foreign, security and defence policy. This must also be accompanied by a broader strategic debate. The government, parliament and society are called upon to discuss what our objective is with the Bundeswehr, where should it be deployed, what we need to this end and what the status of our relations with international partners is. It will also be crucial to discuss how things will proceed in Europe and whether it is time to mutualise defence policy more in general and to increasingly look at joint defence projects.

2. The Bundeswehr's financial resourcing

Defence budget and special fund

Fortunately, the defence budget underwent further growth in the year under review, continuing the constant increase of the defence budget over recent years. In 2022, the Bundeswehr had access to more than EUR 50.4 billion in funding from the defence budget. This represents 1.5 per cent of the gross domestic product, but is nowhere near the 2 per cent target set by NATO. However, it means growth of EUR 3.5 billion in section 14 of the budget compared to the 2021 reporting year. Moreover, the special fund provides one-time resources of EUR 100 billion for the armed forces. On the one hand, the increase in funding serves to equip the Bundeswehr as quickly as possible in accordance with its mandate and, on the other hand, to fulfil Germany's international

commitments, in particular the achievement of NATO's 2 per cent target. To this end, it is necessary to continuously increase expenditure for the Bundeswehr in a projectable, step-by-step way in the coming years. In particular, price developments in the energy and commodities sectors and the increased international demand for military equipment of all kinds make growing defence budgets necessary in future as well.

As at the end of the year under review, the Budget and Defence committees of the German Bundestag had paved the way for modern **defence projects** with scopes in the billions. During the reporting period, the Budget Committee approved 24 so-called 25-million requests submitted by the Federal Ministry of Defence with a total volume of around EUR 21.95 billion. These funds are primarily earmarked for the procurement of commercially available equipment. The Bundeswehr is headed down the right path, with decisions for new digital radios; for the procurement of the F-35 as a successor to the TORNADO, a new heavy transport helicopter, armed drones, new assault rifles, for retrofitting the PUMA infantry fighting vehicle; and for the procurement of a military radio transmission system as well as a new generation of over-snow vehicles. Further steps must follow expeditiously. The Bundeswehr must more than ever be in a position to perform its wide-ranging tasks and missions: from basic operations, training and exercises through to its international commitments in the scope of missions abroad as well as national and alliance defence.

The soldiers should be put in position as soon as possible to perform their diverse and challenging duties with the best possible equipment and training. It is also crucial that the materiel makes it to where it is needed. Often it is the day-to-day items that are lacking in routine operations, in training and in exercises – or even in missions – and thus lead to the wide range of complaints and frustrations about the insufficient tempo. On nearly all troop visits since the announcement of the special fund, servicewomen and -men have expressed their enormous expectations of improvements in equipment and material resources as part of talks with the Parliamentary Commissioner. We must not disappoint the high level of expectations from the field units. We must also take advantage of the current momentum in the form of societal support to make improvements in equipment and material resources.

In particular, it is necessary that the Bundeswehr not spend the resources from the special fund as slowly as the budgetary funds in past years. That not a single euro from the special fund had been spent by the end of the year under review is characteristic of this problem. In this regard, hopefully the new **Bundeswehr procurement acceleration law** resolved by the German Bundestag will be just as effective from 2023 as the increase of the threshold for direct awards from EUR 1,000 to EUR 5,000. Prior to the formal adoption of the federal budget for the year under review, the German Bundestag had approved the Bundeswehr procurement acceleration law and with it nearly EUR 2.4 billion in funding, which is not a part of the special fund, for personal equipment. This equipment is now expected to make it to the field units by 2025 rather than 2031.

The largest item in the defence budget in 2022 was personnel (national and international) at around EUR 17.4 billion. Compared to the previous year, personnel expenditure again increased slightly by approximately EUR 300 million. At EUR 5.04 billion, expenditure for materiel maintenance rose to slightly above the level of 2021 (EUR 4.10 billion), with the largest portion thereof attributable to aircraft which, at EUR 2.69 billion, make up the largest declared expenditure. Approximately EUR 2.18 billion in funding was available for defence research, development and evaluation (2020: EUR 1.49 billion; 2021: EUR 1.56 billion). Compared to 2021, the budgetary situation for military procurement improved by EUR 624 million in the defence budget to EUR 2.18 billion (2021: EUR 1.55 billion).

Despite the improvements described, the Bundeswehr still must more quickly turn the available funds into materiel and equipment and must therefore continue to work on improving the overall conditions for procurement. Ultimately, we also need greater transparency and a regularly updated report on what the resources from the special fund are being spent on, what has been ordered to date and what has been achieved so far.

Procurement reform and reduction of bureaucracy

The endless procurement processes of the Bundeswehr for major end items, equipment and materiel have been a topic for many years. Various reform measures did not have any lasting impact: there are still deficiencies in equipment and the funds provided have not been spent.

The altered security situation and the resulting need for a prompt increase in operational readiness of the Bundeswehr now require that we significantly accelerate the reforms in procurement processes and implement

measures with utmost priority. This is the only way that we can efficiently and sustainably spend the EUR 100 million made available by the special fund and the substantial resources from the defence budget.

There is no shortage of awareness regarding the need to change the procurement structures and regulations within the Bundeswehr. But the task is complex. For every change to be made from a legal perspective and for every specific procurement decision, conflicting objectives must be reconciled. For instance, the development of a new product leads to innovation and improvements in the collaboration with the scientific community, but also potentially to delays. The commissioning of exclusively domestic suppliers leads to greater national sovereignty and a reduction of international dependence, but in certain circumstances could also lead to higher prices and doing without purchasing commercially available products outside of Germany or the European Union. These examples alone are sufficient to show that a great deal of expertise and initiative is needed for the demanded changes to procurement processes within the Bundeswehr.

Procurement legislation is one aspect of this. After the beginning of the war in Ukraine, the Ministry of Defence made important decisions by means of ministerial order in March 2022 to increase the operational readiness of the Bundeswehr through the rapid provision of equipment and materiel. It raised the threshold to which so-called direct awarding within the Bundeswehr can be carried out without a time-consuming awarding process from EUR 1,000 to EUR 5,000, which results in a substantial reduction in administrative burdens. The expertise freed up by this change should be made available for projects with higher values and/or greater complexity. This should provide relief for the areas of infrastructure, environmental protection and services in the Bundeswehr, which accounts for 48 per cent of cases that benefit from this simplification. The field units, which account for 45 per cent of these cases, can also tangibly benefit from this situation. It is important that they are made aware of this relief, which is why there needs to be an **information offensive** to clarify the situation for all agencies. In addition to this measure, exceptions to the applicable procurement legislation such as urgency or national security interests in accordance with Article 346 (1) of the Treaty on the Functioning of the European Union (TFEU) are to be used wherever possible to save time for otherwise necessary awarding processes. This decision made by the former Minister of Defence is a welcome development.

To enable awarding processes to be carried out as quickly as possible over the longer term, the **Bundeswehr procurement acceleration law** was adopted less than a month after its draft was presented and it took effect on 19 July 2022. This law applies to orders for the delivery of military equipment for the direct strengthening of the operational capability of the Bundeswehr and to construction and maintenance services which are directly related to this military equipment. With a limited period of validity until 2026, it enables use to be made of facilitations in procurement laws and procurements to be realised more quickly. In particular, changes to the relevant procurement legislation and legal protection are now possible. The law thus allows for the awarding of an overall contract if refraining from the awarding process otherwise required by means of specialised and partial lots (allocation by functional area or quantitative allocation of services) is justified by economic, technical or time-related reasons. Contrary to the prior regulation calling for awarding contracts by lots, this means that time-related aspects can justify refraining from this without necessitating the existence of urgency in the stricter sense of the term. In particular, the major hurdle to justify the awarding of an overall contract, which can be sensible in the interest of the purchaser to reduce risks related to interfaces and coordination, is to be done away with. Initial lessons learned from the application of the law are expected in spring of 2023. Additionally, the ministry will evaluate the acceleration effects achieved by the end of 2024.

A further important aspect is the acceleration of the verification procedures by doing away with oral negotiations and requiring the public procurement council to make decisions within six months in general. Furthermore, the verification bodies have the option of dispensing with the invalidity of contracts in certain cases if this is justified by exceptional compelling reasons, above all due to special defence and security interests as well as the direct strengthening of the operational capability of the Bundeswehr.

The Agency for Innovation in Cybersecurity located in Halle demonstrates a creative way to accelerate awarding processes. Founded in 2020, the Cyberagency commissions and coordinates disruptive research projects on topics related to future IT security such as technologies that comply with data privacy, human-machine interaction and artificial intelligence. The Federal Republic of Germany is the sole shareholder, represented by the Ministry of Defence and the Ministry of the Interior and Community. When awarding research contracts, the agency uses the **PCP – or pre-commercial procurement – process**, a contract-awarding instrument created by the EU Commission which allows contracts to be awarded as part of a process in which multiple participants make competing bids. This is expedient and constructive in particular for research and development projects in a very early stage when commercially ready products are not yet available. Tendering

for two PCP processes with a volume of EUR 30 million each took place in the year under review, one of which deals with the development of a mobile quantum computer for the Bundeswehr. This innovative method of awarding contracts could prove to be promising and advantageous for other areas of the Bundeswehr.

To move away from the procurement of overly expensive tailor-made products – which require an economic feasibility study to be carried out in each case – the focus is to be placed on **commercially available services**. Whenever it is sensible and possible, solutions which are readily available and less complex to procure should take precedence. Expanded use of central framework contracts is also planned, which enable services to be used flexibly as a call-off order, as needed and in a decentralised manner.

The following cases demonstrate that the Bundeswehr also needs streamlined processes in this regard as well:

- *Plans have been in place since 2016 to equip the CBRN Defence, Safety and Environmental Protection School in Sonthofen with a modern biology laboratory. Although this exclusively involves common and commercially available devices which are also used in civilian laboratories, to date the Bundeswehr has only been able to procure 32, while delivery of around 200 individual devices is still outstanding.*
- *At CBRN Defence Command in Bruchsal, the Parliamentary Commissioner of the Armed Forces learned that the procurement of decontaminants for chemical, biological, radiological or nuclear (CBRN) incidents was no longer feasible in the year under review due to a lack of funding.*

Although the Federal Ministry of Defence promised a remedy of the situation, it is incomprehensible that such commercially available products cannot be procured more quickly.

- *As part of another troop visit of the Parliamentary Commissioner, criticism was expressed about the inability to equip Bundeswehr agencies with an evidence kit for nerve agents. The Bundeswehr helped develop this type of kit in 2009. The Ministry of Defence announced that, although the Bundeswehr Institute of Pharmacology and Toxicology had recommended the comprehensive introduction of the product in 2011, the request was not made until 2016 and the selection decision was not made until 2022. Contract conclusion and timely procurement are expected in 2023.*

This begs the question of why the recommendation of comprehensive procurement does not automatically initiate it.

During a visit to 64 Helicopter Wing, the Parliamentary Commissioner learned that the procurement of a flight helmet with ballistic protection – a commercially available product which has been used in the US Armed Forces since the 1990s – goes back to 2013:

- *According to information from the Ministry of Defence, the reason for the procurement process taking more than ten years lies in the procedure: the requirements of the helmet first had to be coordinated between the requesting authorities of the Army, Airforce and Navy. The contract-awarding process was pursued following the risk reduction phase, including the creation of the documents to establish a budget and the provision of budgetary funds. What then proved to be especially time-consuming was that the flight helmet, as aeronautical equipment, was subject to airworthiness testing and it was therefore necessary to carry out an airworthiness verification process in accordance with aviation legislation. This ended up being very complex and comprehensive due to the necessary documentation for seven different helicopter models. In October 2022, type approval was issued and the standard flight helmets should be supplied to crews from the third quarter of 2023.*

This example demonstrates that there is still immense potential for optimising procurement within the Bundeswehr. Collaboration between the planning and procurement offices needs to be much more effective and happen more quickly. Preparation processes which – as in the aforementioned case – include coordination between the branches of service also need to be simplified and accelerated.

The Bundeswehr procurement acceleration law is an important step in driving forward the procurement processes. However, these are only a part of the protracted timelines in the current procurement structure of the Bundeswehr, which can range from around a year to one and a half years depending on the type of award selected. Additionally, if inferior tenderers take legal action against the decision, the contract-awarding process can be delayed even further. Procurement processes of more than ten years are not a rarity in the Bundeswehr.

The **task force** for the implementation of procurement strategies established on 1 March 2022 within the ministry has taken the initial steps: fundamental decisions with regard to the requirements of a product in

consideration of the necessary maintenance and procurement of spare parts are to be made at an early stage. Furthermore, the focus is to be placed more on the future users, even if, in general, they are already involved in the procurement projects early on, continuously and with responsibility. A further objective is to simplify the creation of documents required under budgetary law. In this regard, the parliament is also tasked with reviewing the requirements of proposals to the Budget Committee for possible ways to reduce the necessary time and content.

The Ministry of Defence already initiated an important measure in the year under review. After coordination among the departments of the Bundeswehr involved, in April 2022 it finally approved the instruction to accelerate the provision of clothing and personal equipment which had been desired for years. Since then, the Bundeswehr Office for Defence Planning, the Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support (FOBwEITISS) and Bundeswehr Bekleidungsmanagement GmbH have been tasked with the concrete design and documentation of the processes at a ministry level. Above all, the intention is to reduce the wide range of documents necessary to establish a demand and a budget. Prioritisation of the requirements is to be carried out by the permanent working group for clothing from now on. Furthermore, there are plans for a process handbook which describes the various timelines, independent of the different types of requirements (initial, augmentation or new).

The necessity for faster procurement also applies to ongoing projects:

- *The responsible Integrated Project Team – a committee consisting of representatives from planning and procurement as well as the commissioner for clothing of the respective branch of service – had been dealing with clothing for free-fall jumpers since 2017 and made specific recommendations for the requirements of modern parachute jumpsuits. Contrary to the assurances given by the Ministry of Defence, the concerns expressed at the time by those involved that going through the entire procurement process could take a lot of time and their conceptual groundwork might not be taken into consideration unfortunately turned out to be the case. The documents establishing a requirement necessary for the procurement with the functional requirements for this commercially available product were supposed to be presented by April 2021, but the Bundeswehr Office for Defence Planning was not able to approve them until May 2022. If there are no interruptions, delivery of the new and modernised jumpsuits is now expected to take place in 2025.*

It is difficult to comprehend that procuring such a commercially available product requires, in the best case, more than nine years from requirement notice to delivery. This is clearly too long. It is at least a positive note that planning provides for the use of the selected jumpsuit across units within the Army, and that there is a jumpsuit for not only for instructors and students and for tandem jumps, but also for simulated jumps and video-led free fall. Overall, it is to be hoped that the measures taken due to the instruction to accelerate processes will actually reduce the procurement bureaucracy and, together with the precedence now to be given to purchasing readily available products, will prevent such long procurement times in future.

There are also issues in the procurement of **IT equipment** for the agencies of the Navy:

- *In some cases, reassigned servicewomen and -men are forced to wait several months to have their IT workstation set up. Moreover, there is sometimes not enough IT equipment for reservists or members of rotational crews.*

Today, modern IT equipment is vital. In this regard, the Federal Ministry of Defence has announced it is reviewing the procedures for providing equipment, the internal organisational preparations and, in particular, the flow of information between the various parties involved for areas of potential optimisation. This measure is to be welcomed.

At the **Editorial Office of the Bundeswehr** in Berlin, a range of various factors has been leading to protracted procurement processes for years, although many items are commercially available here, too.

- *During the visit by the Parliamentary Commissioner, the head of the editorial office criticised that they were currently waiting for media technology equipment that is up to date. Differences regarding responsibilities within the FOBwEITISS lead to substantial delays. They did not receive media technology requested nine years ago until 2021, for instance.*

Project-specific details might be the cause for such waiting times on a case-by-case basis. On the one hand, however, the time-consuming technical conflicts, different appraisals and unfortunately also a lack of expertise

in the FOBwEITISS are determinant. On the other hand, the Customer Product Management governed by a Type A General Publication has proven to be too rigid, too bureaucratic and too protracted to be able to keep pace with the rapid advances in media technology. It is questionable whether the procurement of media technology for an editorial office must follow the same regulations as for defence projects. It would go faster if there was a separate budget. This could avoid delaying conditions such as the availability of budgetary funds, the availability of personnel and material resources and internal and external coordination in the FOBwEITISS as well as the delivery of media technology which has become obsolete in the meantime.

At the end of 2021, the Editorial Office of the Bundeswehr was granted access to a media management system that will likely be put into operation in the first quarter of 2023. However, it is not usable for publishing or distributing media content throughout the entire editorial network for information activities because, among other reasons, the necessary interfaces to the Wide Area Network Bundeswehr (WANBw) are missing. Whether the editorial network can be integrated into the solution found for the Editorial Office of the Bundeswehr in the future is still being clarified within the ministry.

It is extremely important to strike a balance between the speed and quality of a procurement for all procurement processes. It must be clear that not every legal dispute can be avoided, regardless of how well the employees in the procurement office weigh the risks. Additionally, having many project teams as part of planning does not automatically eliminate difficulties in the introduction and handling of new technologies and products. This requires decisiveness and risk-taking on the part of the handling personnel and corresponding backing by superiors and the political leadership.

Excessive **bureaucracy** in the Bundeswehr not only cripples procurement processes, but also is a source of frustration in many departments. An innovative approach to counteract this is being tested in Flotilla 1 in Kiel:

- *The commander informed the Parliamentary Commissioner during her troop visit about the “Adminimum” project ongoing in his battalion. The project involves, among other things, a digital platform – the Adminimator – where all participating battalion members can submit ideas and suggestions that contribute to the targeted reduction of bureaucracy in the Bundeswehr. The suggestions submitted range, according to the commander, from criticism of regulations through to the parking policy at the barracks.*

The starting point for Adminimum was an innovation competition of the Bundeswehr Cyber Innovation Hub. As part of the competition, personnel of Flotilla 1 were supposed to point out problems in everyday duties and take part in finding a solution. Use of Adminimum can be analogue, but it is made particularly effective by the digital possibilities of the Adminimator, which – following registration – can be accessed via any browser with work or personal devices. There is no need to install an app. The digital platform not only offers the ability to talk to Bundeswehr personnel about specific problems of bureaucracy, but it also enables the joint search for solutions. Adminimum thus makes use of collective intelligence to improve processes and reduce bureaucracy, so as many employees as possible should use it. The Bundeswehr encourages active participation through a campaign with videos, posters and flyers. According to information from the Bundeswehr, the project is also aimed at bringing about a cultural change towards prevention among the troops.

The **digital signature** can be a further building block in curtailing bureaucracy and accelerating processes. It was tested by around 200 servicewomen and -men during the year under review. The project is scheduled to be completed by 31 July 2023, after which the Bundeswehr will evaluate the results. Today, it can already be stated that with certainty that the digital signature means greater efficiency. Documents no longer have to be printed out or sent back and forth by post, just to name one advantage. In light of this, it makes sense that BWI GmbH, the IT systems house of the Bundeswehr, is already working on planning and preparations for the required service development. The electronic personnel file is one example of the Herculean task behind this: it will be necessary to bring together 3,000 document types in 49 sub-files into one (electronic) main file.

Flexible funding

Using so-called hand money, which was introduced in 2019 along with the package of measures for flexible funding for commanders and heads of agencies, the parties responsible can purchase commercially available products in a decentralised way and without the protracted application and procurement processes. The procurement of urgently needed items at short notice should serve to establish and maintain the operational readiness for training and exercises in the scope of routine operations.

The range of items acquired using **hand money** is very broad. This also corresponds to the purpose of the package of measures, because the commanders and/or heads of agencies are supposed to use the funds in accordance with the individual requirements of the battalion or the agency. However, this does not mean that procurement can be carried out always and at any time freely and without binding regulations.

- *During troop visits, soldiers expressed to the Parliamentary Commissioner their criticism that it is not possible to procure military equipment considered necessary using hand money under the currently applicable regulations.*

Flexible funding does not represent an instrument for an alternative armament process for the procurement of military equipment. Weapons and ammunition are subject to evaluation trials and cannot be procured in this way. This serves to, among other things, exclude potential hazards to the lives and health of the service personnel.

During the year under review, the focus of procurement was on materials for the preparation and execution of training and equipment for maintenance and repairs, as well as protective masks and rapid antigen tests to maintain operational readiness during the Covid-19 pandemic. There were nevertheless also rather everyday purchases such as washing machines and dryers for container complexes.

- *In conversations during troop visits, commanders expressed generally positive feelings about hand money. With a few exceptions, they value it as a flexible instrument to accelerate the procurement of items previously considered too protracted and bureaucratic. The guidelines distributed to those responsible at the end of 2021 answered many questions and led to a higher degree of confidence in their actions.*

Since June of last year, the military agencies have had access to **EUR 50,000**, double the amount with which flexible funding, the so-called hand money, started in 2019. During the year under review, the commanders and the heads of agencies of the Bundeswehr spent an average of EUR 23,793 of hand money. The average expenditure was therefore just below the prior amount available of EUR 25,000. Compared with procurement by means of flexible funding in 2021, there was also an increase in the overall number of procured items during the year under review. The decision of the German Bundestag to increase flexible funding to EUR 50,000 takes this into account and supports the independence of the military heads of agencies.

The success of hand money is also due to its handling being as uncomplicated as possible:

- *During a troop visit to 803 Armoured Engineer Battalion in Havelberg, some soldiers expressed a lack of understanding with regard to the increasingly bureaucratic handling of hand money. There is now a substantial amount of over-regulation which, in their opinion, makes a certain degree of mistrust apparent. What was designed as a quick and flexible solution developed into a cumbersome, laborious and protracted application process. There were suggestions to work increasingly with framework contracts.*

For example, the fact that procurements in individual cases can cost no more than EUR 5,000 has a restrictive effect, as does the fact that no internal virement can take place if another agency does not make full use of these funds. The strict prohibition of the procurement of IT devices, which also affects common accessories such as printers, is particularly obstructive. Greater freedom in this regard would also be desirable in the use of budgetary funds which are, in name, flexible.

For the second quarter of 2023, the Ministry of Defence announced an **evaluation report** for hand money which will be the result of a survey of the commanders and heads of agencies in conjunction with the evaluation of the procurements made in 2022. The flexible funding instrument will then be developed further on the basis of the findings of the report. One thing is already clear: as part of the further development, the ministry must take increasing the freedom of action of the authorised persons and eliminating obstructions into consideration to enable better and more effective handling of hand money overall. This also includes the ability mentioned by the soldiers in Havelberg to cover regular procurements, for example of office supplies, with framework contracts. The Ministry of Defence should consider enabling expanded options for commanders and heads of agencies to procure IT equipment, if the relevant Bundeswehr agencies are not able to procure it within a predetermined time frame. This applies in particular if the required IT equipment is absolutely necessary for an upcoming deployment or an exercise.

3. Deployment and standby commitments

In light of its limited resources, the refocus on national and alliance defence and the growing commitment on NATO's eastern flank necessarily reduces the Bundeswehr's scope to be involved in conflict management on other continents. It remains to be seen whether this means a permanent departure from its understanding of itself as an army geared towards operations abroad.

The parliamentary reckoning of the operation in Afghanistan and its abrupt end opens up the opportunity to learn lessons for ongoing operations and to create realistic expectations for them. This also likely influenced not least the decision to end the operations in Mali in 2024.

Troop commitments

At the end of 2022, 1,780 servicewomen and -men of the Bundeswehr (2021: 2,286) were deployed as part of a total of nine operations mandated by the German Bundestag. In the year under review, the attention of the German public was on the Bundeswehr missions in West Africa in particular, the largest contingents being MINUSMA with 1,087 deployed soldiers and EUTM Mali with 127 soldiers. However, the other operations in which German service personnel have been engaged in – some for decades – should not be forgotten. The UNMISS mission in South Sudan with 11 soldiers is the third mandated operation in Africa. A total of 256 servicewomen and -men were involved in the COUNTER DAESH/CAPACITY BUILDING IRAQ mission in Jordan and Iraq. In addition, 74, 65 and 66 members of the armed forces are deployed as part of the Mediterranean Sea missions SEA GUARDIAN, UNIFIL and IRINI, respectively. The KFOR mission in the Balkans, with 63 service personnel members as at the end of the reporting year, is the longest continuously mandated operation of the Bundeswehr. German servicewomen and -men have been present there since 12 June 1999 and contribute to keeping the peace. Furthermore, on 8 July 2022, the German Bundestag decided that, due to current political developments there, the Bundeswehr would again be involved in the EUFOR ALTHEA mission in Bosnia and Herzegovina, where 31 soldiers were deployed at the end of 2022. The Bundeswehr had previously been deployed there from 2004 to 2012.

In addition, exacerbated by the developments on NATO's eastern flank, there were numerous standby commitments, standing operational tasks and other commitments. Germany maintained approximately 14,200 troops for the NATO Response Force on a permanent basis. Within this context, strengthening NATO's eastern flank as part of the ENHANCED FORWARD PRESENCE mission with 882 servicewomen and -men in Lithuania and the ENHANCED VIGILANCE ACTIVITIES mission with 490 soldiers in Slovakia also played an increasing role in terms of numbers.

All these forces combined, 21,100 soldiers were deployed in standby commitments, standing operational tasks and other commitments as part of the operations of the Bundeswehr at the end of 2022.

Overall, it must be noted that these figures only represent the **status as at the reporting date**. The total number of all servicewomen- and men who took part in an operation or a standby commitment during the year under review is significantly higher due to the regular rotation of personnel.

Defence of NATO's eastern flank

For the servicewomen and -men of the Bundeswehr, the necessity of defending NATO's eastern flank in consideration of the specific threat to NATO's eastern partners brought to light by Russia's annexation of the Crimea in 2014 has had a concrete impact not just since the beginning of the war in Ukraine, but for years. Germany has therefore been a framework nation of a multinational NATO battalion task force in Lithuania since 2017, where 882 Bundeswehr troops were stationed as part of the ENHANCED FORWARD PRESENCE mission. Additionally, due to the developments in the year under review and the associated increased threat level for NATO's eastern partners in particular, there are also the quasi-operational assignments in Slovakia as part of the ENHANCED VIGILANCE ACTIVITIES mission with a total of 490 aerospace defence and infantry forces as well as increasing tasks within the framework of air surveillance and in the Baltic Sea.

The **operational strain** of the soldiers of all branches has thus increased substantially:

- *One Navy serviceman, who had been on a multi-month mission immediately prior, indicated that he learned of his assignment to a 2.5-month standby commitment in a NATO task force only 12 days ahead of time.*

Because he did not meet the prerequisites of the post, the job profile had been lowered especially for this purpose. Being called up again does not correspond to the intended 1:5 deployment planning and implementation scheme, according to which members of the armed forces following four months of deployment, for example, are not supposed to be recommitted for the next 20 months. As stated by the Ministry of Defence, the cause for the short-term nature was the absence of the originally planned soldier and his replacement. The ministry admits that the deployment planning and implementation scheme cannot be guaranteed continuously for understaffed assignments.

That the Bundeswehr has abandoned a uniform and sensible regular deployment period of four months should be viewed just as critically as its decision to increasingly encumber the disciplinary superior with responsibility for the recommitment of a servicewoman or -man. These superiors themselves often have to strike a balance between mission accomplishment and soldier welfare:

- *After returning from the ENHANCED FORWARD PRESENCE mission in Lithuania in August 2022, soldiers from 411 Armoured Infantry Battalion in Viereck complained during a troop visit about the extremely high operational and mission strain on the battalion. Due to this strain, only 40 per cent of the operational forces had been able to undergo post-operation recovery, and the process is not expected to be completed until March 2023. However, it would then be too late to meaningfully reflect on experiences on the deployment as part of seminars which would otherwise be meaningful in general. Many declined to stay at a rehabilitation facility to avoid being away from their families for even longer.*

Too many and too lengthy **periods of deployment**, with too little regeneration time in between, can lead to overtaxing of personnel and, in the worst case, to psychological strain. Additionally, this results in far-reaching family and social problems. The attractiveness of serving in the Bundeswehr for affected persons as well as for interested applicants is also dwindling. It is therefore necessary to find solutions to avoid deploying the same service members repeatedly in increasingly short intervals and to ensuring that they are given sufficient time between deployments for post-operation recovery.

For the German Navy in particular, which is heavily burdened, only a reduction of its existing assignments, which have even increased since 24 February 2022, along with consistent **prioritisation** of these assignments, can eliminate this personnel-related tension. Navy leadership itself is demanding such a prioritisation and insists that the operational reality of the Navy must be reflected in the alignment with national and alliance defence. A political discussion and decisions are required quickly in this regard. In addition, the relevant Bundeswehr agencies should take greater account of the limited resources when planning the provision of personnel for future operations.

A troop visit to Flotilla 1 in Kiel revealed that the circumstances described could represent a general personnel problem of the Navy:

- *According to the soldiers on-site, strengthening the cold-starting ability of the Bundeswehr requires reducing the commitment through deployments. This is the only way to create the free space for the high-intensity combat training necessitated by the new focus on national and alliance defence. I can only agree with that.*

But petitioners are also burdened by financial discrepancies and problems in the redeployment to NATO's eastern flank.

- *A petty officer, who had been on several reconnaissance patrols in the Baltic Sea, complained that these patrols are considered neither a deployment nor a standby commitment, and that this resulted financial disadvantages for him. Due to the personal burden and weeks of being unable to communicate with his family, the patrols can no longer be compared with a normal sea voyage. The Ministry of Defence announced that it intended to review whether the requirements exist for these patrols to be retroactively recognised as a mission.*

This review is welcome in light of the altered threat situation on NATO's eastern flank, which also runs through the Baltic Sea.

- *A corporal criticised his redeployment by train to Lithuania, which took several days. The Ministry of Defence explained that the relocation of personnel and materiel by rail in this specific case was the fastest and most unbureaucratic solution due to short request and provision times.*

In spite of the associated burden, the selected relocation by rail transport was reasonable and expedient to rapidly strengthen the Bundeswehr presence on NATO's eastern flank. The refocus on national and alliance defence requires the field units to have the corresponding mindset – at all levels.

In return, the Ministry of Defence must ensure that conditions on multinational missions are equal:

- *During a troop visit, the Parliamentary Commissioner learned that German contingent commanders in ENHANCED FORWARD PRESENCE received EUR 500 per half-year for the recreational support of troops, for example for barbecuing together, while their Dutch counterparts had access to EUR 11,000 per half-year for similar purposes.*

Such an imbalance leads to incomprehension and conveys a feeling of a lack of appreciation.

Very High Readiness Joint Task Force

The war in Ukraine demonstrates the speed with which the threat situation has also changed for NATO, making the rapid NATO Response Force all the more important. The NATO Response Force had already been expanded in 2015 to 50,000 servicewomen and -men as a response to the illegal annexation of the Crimea. According to the plans of the Secretary General of NATO, a further drastic increase in the number of service personnel permanently assigned to this task is envisaged in the long term.

In 2023, Germany will be the core nation of NATO's **spearhead** Very High Readiness Joint Task Force (VJTF). With a reaction time of 48 to 72 hours, this readily available part of the NATO Response Force is tasked with being able to react flexibly to security-policy-related developments at any time. In preparation for this task, 37 Armoured Infantry Brigade, as the future lead element of the VJTF, conducted various exercises during the reporting year with a particular focus on the multinational cooperation with other battalions. During a number of troop visits, superiors and impacted servicewomen and -men illustrated to the Parliamentary Commissioner the challenges and burdens of the troop commitments of the Bundeswehr, which are constantly increasing due to exercise operations. In addition to building up overtime through exercises, this includes an exacerbation of the personnel situation in particular, which is already precarious. The Bundeswehr must respond to this. A wider range of tasks for a battalion such as the preparations of the VJTF must be backed up with additional posts and preference for necessary courses.

The same goes for the provision of materiel and equipment. It gives cause for concern that the operational readiness of the VJTF for 2023 is said to have been classified as only limited at the end of the year under review. Furthermore, there are said to have been losses of certain capabilities by the time responsibility in the VJTF was taken over on 1 January 2023. Although the Ministry of Defence must put an end to such problems for the field units as a whole, this applies in particular to this multinational tactical task force.

The “**train as you fight**” principle is apparently not always applied even as part of preparation for deployment.

- *One soldier indicated that he was not allowed to wear additional clothing items and protective equipment that he received as part of his assignment to the NATO Response Force. This meant that he was unable to familiarise himself with the equipment. The Ministry of Defence communicated that the use of the additional equipment for training and exercises is permitted and even desirable. Service personnel should only refrain from use for routine and daily duties. Fortunately, corresponding clarification was issued immediately in response to the petition.*

Financial compensation for deployments in the Baltic Sea region was also criticised:

- *One servicewoman complained that she did not receive a partial payment of the foreign assignment allowance for operational days as part of a naval exercise of the VJTF, as she had been familiar with from prior standby commitments and deployments. The ministry pointed out that the level of incentive pay must first be determined, which requires agreement between the Federal Ministry of the Interior and Community, the Federal Ministry of Finance and the Federal Foreign Office. This did not occur until a few weeks after the exercise in this case.*

Here – as in other theatres of operations where it was comparably presented – it would have been desirable to at least inform the affected servicewomen and -men early on about the requirement of agreement among the ministries as the background of a partial payment.

Afghanistan – investigation and outlook

The commitment in Afghanistan was one of the longest and most intensive deployments in the history of the Bundeswehr to date. The almost 20 years in which German servicewomen and -men were deployed in the Hindu Kush fundamentally shaped and changed the armed forces. It is therefore expressly welcome that the parliament is using proven processes to thoroughly explore the Bundeswehr operation in Afghanistan in general and, in particular, the evacuation mission carried out in the summer of 2021.

With the establishment on 8 July 2022 of the **Study Commission** on lessons learned from Afghanistan for Germany's future networked commitment, the German Bundestag began investigating the operations, also to draw conclusions for Germany's current and future international military and civilian involvement in crisis regions. Such a comprehensive evaluation of the involvement in Afghanistan and the associated necessarily critical analysis of the military operations offer the opportunity to take a closer look at the role of the Bundeswehr in the networked approach and to consider both the potential as well as the limits of its capability profile. This is all the more true, as the operational mission changed multiple times over the entirety of the period. The Study Commission will therefore deal in greater detail with the various phases of the military involvement, beginning with OPERATION ENDURING FREEDOM (OEF) and the INTERNATIONAL SECURITY ASSISTANCE FORCE (ISAF) through to the RESOLUTE SUPPORT MISSION (RSM). This involves finding out to what extent there was a response to the changes resulting over time and to the respective current overall situation in Afghanistan as a whole so that, in the end, conclusions can be drawn for future missions and corresponding recommendations can be made.

The end of the Bundeswehr operation in Afghanistan saw the so-called Doha Agreement from 29 February 2020 between the US government and representatives of the Taliban, the regular withdrawal of the German forces from Afghanistan and, finally, the military evacuation operation in Kabul. In order to gain a comprehensive understanding of the actions of the German Federal Government during this period, on 7 July 2022 the German Bundestag established the **1st Committee of Inquiry** (Afghanistan). Among other questions, this committee will look into whether and when the Federal Government and its subordinated agencies had access to their own findings, indications and information about the withdrawal of the allied forces and diplomats. This is followed by an observation of which steps and measures, if applicable, were then initiated or refrained from in the preparation of the withdrawal and the evacuation of the Bundeswehr along with other affected persons such as diplomatic personnel. In doing so, the Committee of Inquiry is also supposed to investigate whether and how the Federal Government involved the local Afghan personnel in its actions and what it did to protect and support the remaining forces directly following the conclusion of the evacuation operation.

The comprehensive investigation of the events surrounding the abrupt end to the Afghanistan operation of the Bundeswehr can contribute to gaining important knowledge of the situation as well as the development of the Ministry of Defence's assessment of the situation at the time. The committee is also supposed to look into when the ministry took concrete measures to prepare and implement the evacuation mission, for example by developing scenarios, through the provision of materiel, equipment and information or by preparing and training soldiers.

This includes, for instance, some of the evacuation forces not having the necessary equipment for the operation in August 2021, as four members of the military police force criticised:

- *They had taken privately purchased items of equipment with them on deployment which they were forced to leave behind due to the sudden deterioration of the security situation. Financial compensation for the losses was insufficient in all cases. As maintained by the Ministry of Defence, the issuance of auxiliary service equipment was not possible in some cases due to falling short of the conceptually planned timelines. Outfitting of the evacuation forces had not begun until 29 July 2021 and was not completed until 13 August 2021, the Friday before the start of the operation, which is why the disciplinary superiors responsible had approved the use of privately purchased equipment, provided it corresponded to official equipment. Due to the current regulations, the affected servicewomen and -men were only reimbursed for two-thirds of the current value of the items lost.*

In light of the military and security policy dimensions of the evacuation operation, such a narrow handling of reimbursement regulations seems more than disconcerting. This is especially true in the context of the Bundeswehr's difficulties to appropriately outfit the service personnel deployed for such a precarious mission.

They were therefore left no other choice than to take privately purchased items with them, which is also the reason why the superiors approved this. It is thus incomprehensible that such a regulation leads to a financial loss for the affected service personnel, especially because the current value of the items left behind only amounted to 50 per cent to 70 per cent of the new price in many cases. The Ministry of Defence is therefore tasked with finding a viable solution for reimbursement of the losses incurred. It is reassuring that the Bundeswehr has adapted the process for issuing equipment and the affected military police regiment is now fully equipped.

The work of the 1st Committee of Inquiry thus primarily centres on – with a view to future operations – learning from potential mistakes during the withdrawal from Afghanistan, improving processes and doing everything in our power to enable service personnel to be deployed on missions with the best preparation possible. Moreover, the parliament and the Federal Government should draw corresponding conclusions for current operations such as the involvement of the Bundeswehr in Mali.

The findings of the two bodies are expected to have an effect on the **design of the mandates** of future deployments abroad and thus also directly on the tasks of the Bundeswehr and the fulfilment of these tasks by the field units. The Parliamentary Commissioner is thus closely following the work of both the Study Commission as well as the 1st Committee of Inquiry. It will ultimately come down to translating potential improvements at the Ministry of Defence and its agencies, in other ministries and not least at the level of political decision-making which become apparent during the parliamentary investigation into concrete recommendations for action and to implement them adequately for future operations. This is indispensable in the interest of the servicewomen and -men who were deployed in Afghanistan, but also of those who are still serving on challenging and risky operations abroad and above all those members of the Bundeswehr who the German Bundestag will deploy abroad in the future.

MINUSMA and EUTM Mali

Since 2013, the Bundeswehr has been involved in international military operations in Mali. In the year under review, its commitments in the country included the UN mission MINUSMA as well as in the EU-led military training mission EUTM Mali. In November 2022, the Federal Government made the decision to end Germany's participation in the UN mission by May 2024.

In particular the suspension of personnel rotations, the completion of France's withdrawal of troops from Mali and the arrival of Russian forces in Gao at the request of Mali's transitional government determined the situation of the two German contingents in Mali. Moreover, there were numerous disagreements between the United Nations and the European Union on the one hand and Mali's transitional government on the other. The resulting **planning uncertainty** for the servicewomen and -men on the ground regarding the length of their deployment and their return to Germany due to the temporary suspension of personnel rotations were particular challenges for the soldiers and their families as those who bear the burden and for the Bundeswehr as the entity responsible for supporting the soldiers.

Nevertheless, on 20 May 2022, the Bundestag voted to extend the MINUSMA mandate for an additional year. At that time, it was already known that France would withdraw its troops stationed in Mali and that this would change the security situation for the German soldiers in the country. For this reason, the mandate – which is set to end on 31 May 2023 – provides for an increase of the ceiling from 1,100 to 1,400 soldiers. This is intended to compensate in particular for the loss of the capabilities previously provided by France in the field of medical care as well as the protection of the mission with combat helicopters. In addition, pursuant to the new mandate, German security forces are provided for the protection of the airport in Gao. Moreover, within the context of the altered situation in the country of deployment, the current mandate also contains a withdrawal clause for the event that the security of the service personnel in Mali is no longer ensured. In this case, measures are to be initiated to adapt Germany's involvement, up to and including the termination of the operation.

The overall conditions on the ground agitated the forces as well, as illustrated by petitions from multiple servicewomen and -men:

- *They complained that, due to a lack of overflight and landing rights, no incoming or outgoing flights could take place at times for the German MINUSMA mission contingent. In addition, the rescue chain from Gao to Niamey was not ensured on a continuous basis, because the overflight rights had been revoked for the contracting company.*

In actuality, Mali's transitional government did indeed temporarily suspend the **personnel rotations** of troop contingents of the nations providing forces for MINUSMA. The reason was the arrival of 49 Ivorian soldiers who were assigned as security forces at Camp Senou at the Bamako airport. The Malian authorities accused these soldiers of planning to arrange a coup, which led to the arrest of these soldiers at the airport. Because the United Nations was unable to immediately clarify the status of the Ivorian soldiers, the Malian authorities put a halt to troop rotations. At the end of the reporting year, 46 of these soldiers were still being held by the Malian authorities; three servicewomen were able to return home. On 11 November 2022, Côte d'Ivoire announced it would gradually withdraw from the MINUSMA mission.

According to a statement from the Ministry of Defence, changeovers of Bundeswehr personnel were once again taking place from 18 August 2022 to the end of the year under review. However, obtaining the required overflight and landing authorisation from the Malian authorities proved to be very time-consuming and had to be requested a month in advance. From September to November 2022, these authorisations were granted either in an untimely fashion or not at all. Four flights were cancelled for this reason, and one flight was delayed for 11 hours.

The imponderability of the behaviour of the Malian authorities also impacted the provision of first aid and emergency care. A lack of overflight rights for the civilian contractual partner meant that, at times, it was unable to provide medical evacuation flights between Gao (Mali) and Niamey (Niger), which interrupted the rescue chain in multiple instances. The field units therefore had to temporarily suspend operations of the reconnaissance forces outside of the camps and transport operations with CH-53 helicopters for the United Nations.

The now completed **withdrawal** of the Bundeswehr from Mali was the right decision in light of the existing security gaps and the increasingly limited ability to accomplish the mission. At the same time, a military presence in the Sahel region remains reasonable. The decision of the Federal Government to take part in EUMPM, the newly established military partnership mission of the European Union in Niger, in the future is thus expedient and consistent.

The conduct of the Malian transitional government also led to mistrust among the forces, as evidenced by the following case:

- *Several soldiers expressed to the Parliamentary Commissioner their criticism that the Malian authorities demanded copies of their passports as part of the new approval process for redeployment to Germany. It was unclear which agencies had access to the personal data and for which purposes it was used. According to the Ministry of Defence, the UN mission and the Malian transitional government had renegotiated the modalities for the execution of such rotation flights following the suspension of personnel rotations in July 2022. Mali required the presentation of copies of the passports of the service personnel entering and exiting the country as part of this.*

With the political decision to participate in the MINUSMA deployment abroad as well as the subordination of the soldiers of the Bundeswehr to the leadership of the United Nations, there is no other choice than to comply with the agreements made with Mali as the host country and its regulations for the entry and exit of military personnel. Nevertheless, the ministry should review whether the issuance of military passports for operational forces could help meet the requirements of the Malian transitional government as well as the legitimate demand for the protection of personal data.

Prior to deciding whether the Bundeswehr remains a part of the operation or withdraws, a smooth **flow of information** through to the soldiers deployed on the ground would be of critical importance. This is made apparent through two examples:

- *Servicewomen and -men expressed their concerns in petitions that the withdrawal of the French forces would have consequences for the continued operation of the airport in Gao. They no longer considered their security to be ensured due to the use of a civilian contracting company as the operator of the airport. According to the Ministry of Defence, the company is a generally capable organisation which operates more than 100 international and national airports and therefore has a comprehensive wealth of experience.*
- *Another soldier drew attention to the fact that the Bundeswehr was forced to clear out of Camp Senou at the airport in Bamako within 72 hours, which had an impact on the personnel rotations, because the camp was serving as a transit camp. According to information from the Ministry of Defence, the Malian authorities had instructed the civilian operator of Camp Senou on 1 August 2022 that members of foreign armed forces*

had to leave the camp within 72 hours. The affected personnel of the Bundeswehr then moved into quarters in the Norwegian Camp Bifrost at the Bamako airport.

In both cases, although an examination of the matters was able to assuage the fears expressed, these would not have arisen in the first place if the petitioners had been aware of the details and background of the circumstances. It is therefore of central importance – especially in the event of short-notice situational changes on deployments abroad – that contingent leadership immediately pass on information about current developments and changes to their subordinates to counteract uncertainty early on and the frustration that often comes with it.

As in the previous reporting year, there were once again problems with **equipment** and personnel equipment for operations in 2022:

- *One soldier deployed in Gao as a paramedic on an NH90 helicopter criticised that he had not received the combat helmet (heavy-duty, special forces) in due time prior to deployment. This helmet is urgently necessary to participate in team radio communication and because the helmet offers additional ballistic protection. According to information from the Ministry of Defence, the serviceman concerned had taken his matter to various service points of the clothing company of the Bundeswehr prior to his deployment, but to no avail. Not until the German MINUSMA mission contingent directly requested the item from the FOBwEITISS was the helmet sent to the mission country and issued to the soldier.*

It is difficult to comprehend why a soldier who was assigned to the function of paramedic in the mission country, which is vital for survival in the event of an emergency, did not automatically receive the necessary helmet prior to deployment. The consequence was that the resulting limited ability to communicate unnecessarily endangered the safety of the entire helicopter crew. It is ultimately the responsibility of the Bundeswehr to provide all service personnel with all of the necessary operational equipment in due time prior to their deployment, so that they are able to operate professionally and safely from the beginning of their deployment.

As part of the **EUTM Mali** European training mission, German servicewomen and -men initially trained Malian security forces on the ground in the year under review as well. The objective was to advise and train the security forces in the region to enable them to effectively counter threats from terror groups. At the beginning of April 2022, however, the European Union suspended deployment training for entire units of the Malian armed forces after the Malian transitional government had recruited Russian mercenaries and there was a suspicion that these mercenaries, together with the Malian forces, could have committed serious human rights violations. On 1 August 2022, the European Union ultimately suspended all EUTM Mali training for Malian armed forces until further notice. This was completely in line with their desire, as the training offered did not meet the needs of the Malian armed forces, who were also willing and able to take on responsibility for carrying out the training themselves. In mid October 2022, the Bundeswehr abandoned its presence at the mission location Koulikoro. The EUTM Mali mission has since been limited to a small number of servicewomen and -men at the headquarters in Bamako serving in a technical advisory role at a strategic level.

The training mission of the special forces, Joint Special Operations Task Force (JSOTF) **GAZELLE**, in Niger was not impacted by this. It continued unchanged until December 2022 and then ended as stipulated by the mandate. This mission should be evaluated as very successful. Within the intended schedule, the field units managed in exemplary fashion to strengthen the Nigerien forces' sense of ownership in the spirit of helping them help themselves and to guide them in ensuring stability and security in Niger. In the end, the special forces handed over not only the responsibility, but also a functional infrastructure.

The Parliamentary Commissioner received various complaints regarding the prevailing conditions of this operation:

- *In Tillia (Niger), there were complaints that the level 6 foreign assignment allowance applied for MINUSMA, but only level 5 for JSOTF GAZELLE. This does not make sense, not least due to the security situation in Niger in general and in particular in Tillia. According to a statement from the Ministry of Defence, after conclusion of the necessary inter-ministerial agreement on 30 November 2022, level 5 was determined retrospectively from 14 August 2021 for the day of the stay in Niamey for the JSOTF GAZELLE forces as well as for the liaison element in Niamey, and level 6 was determined for the days outside of Niamey in the entire territory of Niger and across the borders in Mali and Burkina Faso.*

The criticism makes it clear that the ministry's communication of the planned adjustment of the levels of the foreign assignment allowance had not sufficiently reached the affected servicewomen and -men at that time. It would have been expedient in this regard to inform those affected about the intended adjustments to the foreign assignment allowance and to point out that retrospective payments would be possible should this process take a long time.

Soldiers in Tillia (Niger) also expressed dissatisfaction at the fact that the servicewomen and -men who took part in the GAZELLE mission received the **Bundeswehr Foreign Duty Medal** from EUTM Mali, upon which there was no discernible reference to Niger.

- *Prior to its integration into the EUTM Mali mandate, GAZELLE had its own medal. The Ministry of Defence used this as an opportunity to adapt the text on the certificate for the EUTM Mali Bundeswehr Foreign Duty Medal for the servicewomen and -men deployed to Tillia in Niger. Due to technical problems at the ministry level, the certificates were not awarded until six months later.*

It is incomprehensible that the ministries involved took more than half a year to make changes to the text of a certificate for a service medal, and this is one of far too many examples of cumbersome and unnecessarily protracted procurement processes in the Bundeswehr.

The provision of **personal demand items** was also sluggish and inexpedient through to the end of the year under review:

- *The cargo intended for the mission locations in Niger was initially transported overland from Niger to Mali and then returned to Niger by aerial delivery. The Ministry of Defence stated that goods for the entire German mission contingent were still supposed to flow via Gao (Mali). Placing orders in bulk enables a wider range of goods and better management of the expiration dates of individual products. This requires central delivery to be made to the Gao location with subsequent routing of the personal demand items to Niamey and Tillia.*

Although this argument is fundamentally plausible, it does not solve the problem of the significant delays in delivery to the Niamey and Tillia locations and the associated disadvantage to the servicewomen and -men deployed there. A practical solution would be for the partner to the framework contract to hand over the personal demand items intended for Niamey to the Bundeswehr in Germany and then to transport them directly to Niamey by aerial delivery as part of the planned resupply flights. The Air Force should be able to realise this solution, especially in consideration of the low number of personnel in Niamey, the discontinuation of operations at the Tillia location and the correspondingly low need to transport personal demand items.

- *Shortly before his transfer to Niamey (Niger), an IT sergeant learned that he was to be relieved by personnel from BWI GmbH in the middle of his planned deployment. In his view, the predeployment training required in advance was disproportionate to the deployment period, now shortened to a mere seven weeks. According to a statement from the ministry, civilian employees of BWI GmbH are to provide the IT services for the German mission contingents in future. The changeover took place at the Niamey air transport base on 1 June 2022, with two military administrators still assigned until 1 September 2022 to avoid any losses in quality of the provision of IT services. This led to the shortening of the deployment period, which was originally planned from 5 July to 10 November 2022 for the service personnel.*

It is fundamentally sensible and necessary for the Bundeswehr to use employees of civilian contractors in operating areas to provide personnel relief in routine operations for the servicewomen and -men. The criticism from the soldiers is nevertheless justified and understandable. The takeover of IT support at the Niamey location by personnel of BWI GmbH had already been planned for some time and the relevant agencies were aware of the plans. However, the soldier's assignment to a deployment abroad was changed on very short notice. There would have been no need for the comprehensive predeployment training, the medical examination required for the deployment or the issue of combat clothing if the transition of responsibility for operations to BWI GmbH had been coordinated in advance with the deployment periods of the Bundeswehr's IT personnel. This therefore led to an unnecessary strain on the IT department of the Bundeswehr, which was already plagued by shortages in personnel.

COUNTER DAESH and Training Support Iraq

The Bundeswehr has been actively involved in Jordan and Iraq since 2015. As part of the international anti-IS mission, it performs mission support tasks such as in-flight refuelling of combat aircraft with the A400M and operating an air surveillance radar. In addition, German servicewomen and -men advise Kurdish peshmerga in Erbil and Iraqi military leaders in Baghdad.

During a troop visit of the Parliamentary Commissioner in the spring of 2022, operational forces criticised the insufficient **predeployment training** of some servicewomen and -men:

- *Troops were repeatedly deployed who did not possess the mandatory qualifications and prerequisites. The Ministry of Defence acknowledged that vehicle familiarisation training in particular had to be made up for in the country of deployment at the beginning.*

This is unacceptable. It endangers the safety of the forces if servicewomen and -men undergo familiarisation training for certain vehicles during ongoing operations. As the name suggests, predeployment training must be concluded prior to deployment.

The operational forces also criticised problems in the **issuing of visas**:

- *One serviceman described the chronological sequence of events from the assignment of a fellow soldier in his unit until the visa was granted. According to this serviceman, his fellow soldier still had no visa eight months after he was informed about his deployment to Iraq, and two months after the deployment was scheduled to begin with the unit. The uncertainty surrounding when the affected serviceman would be able to be deployed was a strain on all those involved. Pursuant to a statement from the Ministry of Defence, the visa documents were in processing at the Iraqi embassy for more than four months. As at 27 July 2022, 30 servicewomen and -men who should have already been deployed were waiting for a visa from Iraqi authorities. On account of these delays due to Iraqi authorities, six months would now be planned for the process from application for a military passport to the granting of a visa. This situation has improved significantly in the meantime according to the Ministry of Defence. Visas are now largely granted within four to six weeks.*

A protracted visa-issuing process has considerable personal consequences for servicewomen and -men: if the deployment of a soldier is delayed, their predecessor in the post must remain deployed for longer to avoid vacancies. This unexpected extension of the deployment places a significant strain on the affected service personnel as well as their families. The members of the contingent asked the Parliamentary Commissioner why the country upon whose request for support they were deployed on mandated operations was making it so bureaucratically difficult for them to be transferred there. This example also demonstrates how important it is for the Bundeswehr to communicate early on and clearly with the servicewomen and -men, who should not be left alone to ponder answers to their justified questions.

The **foreign assignment allowance** came under criticism for this mission as well:

- *A serviceman deployed in Iraq in the first half of 2021 criticised that, in spite of multiple rocket strikes in the vicinity of the German camp, the foreign assignment allowance had not been adjusted in accordance with the altered hazard situation more than a year later. He had only heard about an intended increase of the allowance through the informal channel of his fellow soldiers. The Ministry of Defence responded that the determination of the foreign assignment allowance is subject to the involvement of various federal ministries. The determination process therefore regularly takes several months. The intended changes are not communicated during the determination process so as not to raise any false hopes.*

Bundeswehr Joint Forces Operations Command had already determined an altered security and threat situation in the spring of 2021. It certainly needs to be clarified why it took a year from this point in time for the ministries to agree. A notification from the Ministry of Defence to the contingent that it had initiated a review of the allowance with other ministries would have at least signified to the servicewomen and -men that the Bundeswehr recognised the danger of their situation. The increase of the foreign assignment allowance retrospectively to the date of the rocket strikes is a welcome development. The different levels of the foreign assignment allowance determined for the Erbil, Al Asad and Baghdad operational locations are attributable to the respective conditions on the ground of the assignment and therefore – even though a uniform classification

of all operational locations in Iraq would have been desirable in the opinion of the service personnel – understandable and not objectionable.

In Al Azraq (Jordan), servicewomen and -men pointed out the lack of a **repair hangar** at Camp Sonic:

- *They had to carry out repair work in a tent structure whose tarpaulins had to be replaced regularly due to the amount of sand and dust. Acceptance is still pending from the Ministry of Defence for the permanent building, which was requested in 2018 and approved by Bundeswehr Joint Forces Operations Command at the time. According to the Ministry of Defence, it had so far refrained from more major construction measures at the base camp due to insufficient location certainty. However, it had approved the construction in July 2022 in light of the deterioration of the condition of the temporary tent structure and no foreseeable change in Germany's involvement in Jordan.*

The decision is expressly welcome, because it will mean a substantial improvement in the working conditions on the ground. Now the task is to rapidly implement the construction measure.

- *German members of the contingent at Al Asad Airbase in Iraq complained that they do not have a barbecue. Procurement of a barbecue was rejected, with reference being made to the existing international mess hall. After the Parliamentary Commissioner notified the first sergeant of the German contingent in Erbil, the latter sent over a barbecue a few days later.*

This process should be commended as one of many examples of unbureaucratic and quick troop solutions.

The German contingent in Jordan and Iraq is spread across four locations in the two countries, which leads to long transportation routes. This impacts the **military postal service**:

- *After publication of the 2021 Annual Report, a serviceman stationed in Baghdad reported that the soldiers on the ground had not received any information about the ability, which had been praised and highlighted in the report, to make use of the civilian postal service via the German embassy as a replacement for the military postal service. Postal services had only been carried out in a few cases since then; a Christmas parcel sent to him took more than two months to arrive. The Ministry of Defence explained that the forces deployed at the Baghdad location had in the meantime been instructed with regard to the ability to use postal services via the German embassy. The postal lead time is four to six weeks. In addition, the statement of the ministry revealed that receiving and sending parcels was associated with courier fees in the amount of EUR 11.80 per kilogram.*

The costs incurred for sending parcels were several times higher than those of the military postal service. This disadvantageous treatment of German soldiers compared with those at other locations is unacceptable for reasons of equal treatment. The Bundeswehr should therefore either organise a reliable military postal service with short transit times or assume the additional costs, for example in the form of a reimbursement.

EUFOR Althea

In 2004, the European Union began the EUFOR ALTHEA operation in Bosnia and Herzegovina, the largest EU military land operation to date. Germany ended its military involvement in this operation on 16 November 2012. The political situation in Bosnia and Herzegovina and the increasing tensions led – ten years later – to renewed consideration in the year under review of Germany becoming involved militarily once again. Conflicts were feared in particular with a view to the elections in Bosnia and Herzegovina on 2 October 2022, which were of essential importance for the region's democratic future. In this respect, the decision for operations was also a reaction to growing tensions between ethnic groups in the country and secessionist tendencies of the Bosnian Serbs. It was also intended to contribute to countering further attempts by Russia to exert influence in the country. Against this backdrop, the German Bundestag decided on 8 July 2022 that the Bundeswehr would take part in the mission in Bosnia and Herzegovina with up to 50 servicewomen and -men. The German mission contingent assumed its duties in mid August 2022. The mandate for the operation is for 12 months and ends on 30 June 2023, with German service personnel deployed in the staff headquarters in Sarajevo. In addition, two liaison and observation teams were established who engage with the local population. They are tasked with helping create an assessment of the situation for operation leadership.

Kosovo

The Bundeswehr has been involved in Kosovo with NATO alliance partners since 1999, thus representing the longest-lasting mission of the Bundeswehr. The persisting need for military peacekeeping was demonstrated again recently when ethnic conflicts arose in the Kosovo–Serbia border region. There are, however, signs of hope in the establishment of Kosovar armed forces in accordance with the rule of law. For example, the parliament adopted an act in the summer of the year under review to establish an **ombudsman office** for the Kosovar armed forces which is modelled after the Office of the Parliamentary Commissioner of the Armed Forces. The initiative for the Kosovar ombudsman office followed the many years of involvement of Reinhold Robbe, former Parliamentary Commissioner of the Armed Forces, with the resolution on the matter being announced during a troop visit of the Parliamentary Commissioner in Kosovo. Also as part of this troop visit, she agreed intergovernmental exchange of experiences in this field with representatives of the Committee on Security and Defence Affairs of the Assembly of the Republic of Kosovo.

UNIFIL

On 23 June 2022, the German Bundestag extended the Bundeswehr’s involvement – which has been ongoing since 2006 – in the UNIFIL mission of the United Nations for an additional year. The 65 members of the German contingent are deployed in locations in Cyprus and Lebanon, as well as in seagoing units off the coast of Lebanon. Their mission primarily consists of sea surveillance to enforce the UN weapons embargo against Lebanese militias and enabling and enhancing the Lebanese navy.

In spite of the Bundeswehr being present there for many years, the **infrastructure** on-site is in need of improvement:

- *During two troop visits by the Parliamentary Commissioner in the year under review, the members of the contingent expressed, among other things, the desire for greater planning certainty for the Limassol location in Cyprus. The necessary investments in infrastructure cannot be made until a decision has been made regarding the continuance of the location. They described the condition of the accommodation containers and sanitary facilities in particular as inadequate. This is true for the location in Lebanon especially. Because the Bundeswehr has been involved in this mission since 2006, the saying has come about that they are the “first contingent, but the 49th attempt”. The Ministry of Defence announced that a decision would be made about the continuance of the Limassol location by the end of the first quarter of 2023. Sanitary containers at the Limassol and Lebanon locations are expected to be replaced during this time.*

Even though both of these measures are welcome, this case also makes it clear how useful it would be to evaluate operations on an ongoing basis.

- *Additionally, a frequently expressed concern of the seagoing units was the raising of the foreign assignment allowance. Like their fellow soldiers in Cyprus, they received level 2. In light of the operational frequency and the security situation at sea, the affected service personnel perceived this as inappropriate. The review of this claim was still ongoing as at the end of the reporting year.*

Service and combat medal

As a visible symbol of their participation in special missions abroad, the armed forces distinguish their members with the **Bundeswehr Foreign Duty Medal**. These missions include the humanitarian, peacekeeping and peace-building operations in which members of the Bundeswehr have been involved since the 1990s. Former participants in earlier missions such as MCMFORSOUTH or the Libelle (1997) and Pegasus (2011) missions are now also entitled to receive a decoration. The Bundeswehr has provided information on this on its website bundeswehr.de and on social media. Former participants can request the subsequent awarding of the medal from the Federal Office of Bundeswehr Personnel Management via email (einsatzmedaille@bundeswehr.org). In doing so, they must confirm their participation in a deployment abroad, as the corresponding data is no longer stored in the personnel management system for reasons of data protection. The relevant regional territorial command will formally present the medal as part of an official event once it has obtained a certificate of good conduct from the police for the respective person. This show of appreciation, although retrospective, is

welcome. It would be nice if the Bundeswehr accorded this appreciation to all soldiers who participated in deployments and missions abroad. The Bundeswehr should therefore continue to make use of all means available to inform veterans about the changes to the awarding policies for service medals.

Servicewomen and -men can also retroactively request the **combat medal** individually. This is also an important symbol to express the appreciation of the Bundeswehr for the special dedication of the servicewomen and -men in earlier missions of the Bundeswehr. However, it is not comprehensible that the necessary amendments to the award directive took three years.

Criticism was expressed to the Parliamentary Commissioner regarding the alleged unequal treatment in the awarding of medals to the soldiers who were deployed during the attack on the consulate general in Mazar-i-Sharif (Afghanistan) on 10 November 2016:

- *In August 2019, the commander of Joint Forces Operations Command at the time only awarded the Gold Cross of Honour of the Bundeswehr with red edging to the leader of the forces for his particularly outstanding performance in the face of danger to life and limb. Moreover, it was not comprehensible why the honour was bestowed until nearly three years after the attack took place. According to a statement from the Ministry of Defence, the successor to the originally responsible commander was the first to decide to distinguish this performance accordingly due to more detailed knowledge of the circumstances. This was the reason for the delay.*

The decoration of the commander of the German Joint Special Operations Task Force in Afghanistan with the Cross of Honour of the Bundeswehr for his particularly outstanding individual performance in the face of danger to life and limb was reasonable and necessary. However, the **delay in the award** should be viewed critically, because special achievements should be distinguished within a certain period of time from when the events occurred. With regard to the other soldiers deployed during the first attack on the consulate general in Mazar-i-Sharif on 10 November 2016, it was up to the discretion of the responsible disciplinary superior to also recommend them for the Gold Cross of Honour with red edging. The ministry must be agreed with in this respect that simply awarding the medal to all those involved would contradict the special significance of this first-rate, rare and fundamentally individual honour. As part of the review, however, it was determined that six rescue and recovery specialists assigned during the incident met the criteria to be awarded the combat medal, but no further report had been made to German Air Force Headquarters. It is therefore expressly welcome that a distinction for these rescue and recovery specialists has been initiated.

There were uncertainties with regard to the awarding of the combat medal for servicewomen and -men of the UN's MINUSMA mission who had been attacked by the detonation of a vehicle loaded with explosives on 25 June 2021 during a reconnaissance operation 180 kilometres north of Gao:

- *One serviceman complained of unequal treatment, because not all affected service personnel had received the decoration. According to a statement from the Ministry of Defence, the German mission contingent submitted a request to Bundeswehr Joint Forces Operations Command for all 55 soldiers who were present during the attack to receive the combat medal. However, only 27 of those involved could be determined with the aid of an excerpt from the military police report generated after the attack.*

Subsequent to a conversation between the Parliamentary Commissioner and the commander of Bundeswehr Joint Forces Operations Command, all available documents were reviewed again, which led to the identification of an additional 13 servicewomen and -men who are entitled to receive the decoration. This also includes the petitioner.

Complaints of unequal treatment in the awarding of combat medals are no new phenomenon. Because the recommendation for distinction fundamentally originates with the responsible disciplinary superior and the subjective assessments of the respective incident can vary greatly, it would be reasonable for the respective contingent commander to review all recommendations again prior to submitting them to Bundeswehr Joint Forces Operations Command. In addition, Joint Forces Operations Command should raise each contingent's awareness for the modalities of awarding combat medals prior to deployment.

MWR communication

In June 2022, the Bundeswehr made use of its first extension option for the term of the "MWR media – armed forces" framework contract. The MWR media – in particular fast Internet access, as well as modern and

powerful mobile devices – are therefore available to the field units for an additional year in tried-and-tested form on all land-based commitments abroad. The Sliach and Lešť mission locations in **Slovakia**, which had been established as part of the ENHANCED VIGILANCE ACTIVITY battle group for the defence of NATO's eastern flank, were the most recent examples for the need to connect to MWR communication. The Connect-D 3 MWR network has now been connected to the local fibre-optic network in Sliach, thus ensuring the provision of powerful morale, welfare and recreation communication. As the Parliamentary Commissioner learned during a troop visit, the process was not so smooth in Lešť:

- *Servicewomen and -men at Camp Slavia criticised that the Internet connection with Connect-D was not satisfactory. The bandwidth was simply insufficient. In the evenings especially, when many service personnel were using the Internet for personal reasons, download rates were “nearly zero”. According to information from the Ministry of Defence, firefighting efforts the day before the troop visit had led to a precautionary interruption of power to the server room of the local MWR network and therefore to a brief outage of MWR communication, without the Bundeswehr or the operator being aware of the circumstances. The MWR network has been running without problems since then. The criticism of the bandwidth of the Internet in Lešť could not be confirmed, however; the network could not be determined to be at capacity nor overloaded.*

Fortunately, the Bundeswehr took this incident as an opportunity to review and optimise the existing reporting channels, in particular with regard to collaboration with the Slovakian partners.

- *During the troop visit in Lešť, service personnel of the first contingent also complained that there was a lack of service-issue smartphones. Three months later, the Ministry of Defence notified that there were now enough devices for all military commanders.*

Official means of management and communication should always be available in sufficient number at the beginning of the respective deployment.

Unfortunately, the technical limitations and capability gaps of the **Navy** in the use of MWR media on board seagoing units, which have been known for some time, continued in this reporting year. There is no change in sight in the near term while maintaining the procurement and armament regulations set out for the Bundeswehr. Implementation of the MWR communication at sea initiative launched by the Navy to gradually eliminate these limitations is set to begin in the spring of 2024 at the earliest.

- *One serviceman criticised the insufficient availability of Internet access via satellite communication on board Frigate SACHSEN during a seagoing project in the Baltic Sea region. This access was repeatedly interrupted, sometimes for days at a time. According to information from the ministry, class 124 frigates are equipped with two SATCOM systems. One of the systems is kept available exclusively for MWR communication. From a certain degree of latitude, the quality of reception declines substantially for purely physics-related reasons due to the low altitude of the satellites, or satellite reception is no longer possible. Corresponding technologies with higher bandwidths that enable the use of satellites in these latitudes are still being developed. Furthermore, although the SATCOM systems on board the F124 can technically achieve a transmission bandwidth of just over 10 Mbps, none of the providers offered more than 6 Mbps as part of the tendering procedure.*

In the view of the Parliamentary Commissioner, the technical options available on board the SACHSEN and all other units of the Navy to make use of the MWR communication services from the framework contract are still not at a level that is appropriate and up to date with demand despite all of the Navy's efforts and are substantially less effective than those for land-based projects. The use of personal devices as provided for as part of MWR communication results in a substantial **demand for bandwidth** due to the updates to operating systems, apps and virus signatures on each individual device. For a crew of more than 200 persons on frigates and, where necessary, on combat support ships, the convenient use of Internet services requires a bandwidth ranging from 30 to 50 Mbps. This is not feasible with the SATCOM systems introduced in the Navy. In the medium term, the Bundeswehr should therefore evaluate the use of more powerful satellite systems.

In addition to this, the **transmission technology** equipped on the units of the Navy which it must provide itself is not sufficient. The initiative for MWR communication on warships and support ships of the Bundeswehr launched in June 2018 has still not been implemented. Following substantial delays in the initial processing by German Cyber and Information Domain Service Headquarters, a draft opinion on technical and economic

aspects has been presented, but – in the view of Navy Headquarters – there is a need to improve significant aspects of the proposed solutions. According to the draft opinion, the technology of the Navy units is not expected to be enabled and enhanced prior to 2025. The initiative for adapting SATCOM to ensure the command and control capability of ship classes F123, F124 and EGV 702 will also be implemented as part of the “SATCOM for ships” project, planned for the period from 2024 to 2028. However, the available bandwidths for MWR communication on those classes are not expected to be increased to the necessary extent, because the more powerful K_a band is only mentioned as an option, which is why all agencies involved should expand their efforts to ensure that the Navy units have access to a more reliable Internet connection with greater bandwidth in the entire theatre of operations.

Physical training on deployment

The ability to perform physically is a significant prerequisite to standing up to the demands of deployment, and physical fitness is therefore essential:

- *During a troop visit to Sliach (Slovakia) in June 2022, servicewomen and -men of 1 Surface-to-Air Missile Wing in Husum complained that, unlike the Dutch forces, they did not have so-called physical training containers there that could be set up or dismantled quickly and that were outfitted with a variety of equipment suited for maintaining military fitness. Battalion leadership reinforced the necessity for this as a prerequisite for ensuring rapid operational readiness.*

It is a welcome development that the German contingent in Slovakia was nevertheless quickly outfitted with tents, fitness equipment and corresponding training materials.

It is also a positive development that **physical training containers** are to be procured for the entire Bundeswehr. These types of containers are already in use in Rukla (Lithuania), Gao (Mali) and Tillia (Niger). It would be desirable if this were to be done quickly, in particular with priority given to all operating areas. According to the Ministry of Defence, the contract has not yet been awarded due to verification procedures; the contract is now expected to be concluded in the second quarter of 2023. Containers procured or rented by individual agencies serve as an interim solution.

Evaluation of operations

Under the impression of the end of the Afghanistan mission, the governing parties came to an understanding in their coalition agreement on the ongoing evaluation of Bundeswehr missions in the future. Such regular examination and assessment of the operations with regard to their status and the possibility of achieving the goals is very welcome. However, this requires a more in-depth political discussion – both in advance and concomitantly – about the objectives of each individual mission and which expectations they can fulfil. This is the only way to enable transparency for parliament and the public regarding the successful progress of an operation and from which point in time a withdrawal can or must ensue. The Federal Foreign Office and the Ministry of Defence must essentially answer the necessary question of which criteria should guide the evaluation of operations. This process has already been initiated; however, intermediate results are only available for the COUNTER DAESH mission in Jordan and Iraq to date.

Involving the field units in the ongoing evaluation early on should be crucial. There were clearly initial difficulties in this regard in the year under review:

- *The responsible commander of the mission contingent informed the Parliamentary Commissioner on her troop visit that, so far, he had in no way been involved in the evaluation process of the mission nor had he been questioned about experiences gained on the ground.*

This is incomprehensible. **Debriefing reports of the contingents**, which compile the aggregate knowledge from operational experience, the knowledge of the situation and the problems on the ground and the practical approaches to solutions, should be the central basis of every evaluation as well as the subsequent political consultation. After all, they contain the direct and unfiltered knowledge of the situation in the country of deployment, including the experiences – both positive and negative – gained on the ground. This is the only way the responsible decision makers can apply the proper standards and set achievable objectives. Action must be taken in this respect.

4. Materiel

Full resourcing and operational readiness of the primary weapon systems

In the year under review, the Federal Ministry of Defence changed the systematic arrangement of the report on the materiel readiness of the Bundeswehr's primary weapon systems, which has been published since 2015, and transitioned to an annual briefing of the parliament about the operational readiness of the armed forces. Unlike before, according to the ministry, this briefing takes a holistic approach to assessing materiel as well as personnel and the status of training, not for the Bundeswehr as a whole, rather only for the operations and standby commitments. As part of this, the ministry comes to the conclusion that there is still ground to be made up in terms of personnel, materiel resourcing, infrastructure, spare parts and ammunition which – due to the scope, the provisions of (constitutional) law and the limited resources and capacities – cannot be accomplished overnight. Nevertheless, according to the Ministry of Defence, the Bundeswehr is able to fulfil its commitments to the alliance overall.

- *Shortly before the end of the year under review, there were doubts about this when, during an exercise, all 18 PUMA infantry combat vehicles of one company broke down, thus dropping the operational readiness of the unit to zero. The technical problems are said to have impacted primarily the electronics, and there was talk of a severe cable fire in the driver's compartment of one vehicle. The fact that these PUMAs were scheduled to take part in VJTF 2023 was especially grave.*

To be able to guarantee operational readiness for the **VJTF 2023**, the Bundeswehr was forced to resort to the MARDER infantry combat vehicle, which is more than 50 years old. As part of this, it was a positive sign that combat units had already been trained on the MARDER as part of their preparation for deployment. Two companies of 371 Armoured Infantry Battalion in Marienberg, which is part of 37 Armoured Infantry Brigade "Freistaat Sachsen", the lead element for the land forces of NATO VJTF, were able to assist by contributing 28 MARDERS.

Equipment for training, exercises and deployments

After the Armour School only had access to 10 to 12 LEOPARD 2 battle tanks on average in 2021 for training purposes, despite an authorised allowance of 34 tanks, in the year under review an average of 18 to 20 weapon systems were provided to the Armour School through various measures. The deficit which nevertheless persists is due to the necessity to send the battle tanks in for shop maintenance, where they remain for much longer than scheduled due to the insufficient supply of spare parts. Furthermore, comprehensive conversions of the battle tanks, which had been planned for some time, were also necessary. As a result, the school was forced to cancel training courses for element leaders in 2020 and 2021 to be able to carry out training courses with higher priority. Simulators are being used instead. Moreover, the training facility occasionally borrows battle tanks from the local 93 Tank Demonstration Battalion. To ensure its ability to conduct training, German Army Headquarters intends to fully outfit the Armour School with the **LEOPARD 2** battle tank weapon system in 2023, accepting that this will mean a temporary shortage among the field units. Until then, according to a statement from the Ministry of Defence, it cannot be entirely excluded that there will be continued limitations in training and this could possibly result in losses in quality. It is a reasonable decision to give priority to training and to provide the Armour School with sufficient battle tanks to this end. However, the fact that these tanks are then missing in other places highlights the ground which the Bundeswehr has to make up in this regard.

The TORNADO combat aircraft, which the Bundeswehr uses for various duties, has been outdated for years and must be replaced. On 14 March 2022, the Ministry of Defence decided to initiate the procurement of **F-35 aircraft** to preserve nuclear sharing in particular with this weapon system in future. The around EUR 8.3 billion in budgetary funds necessary for this were approved by the Budget Committee of the German Bundestag on 14 December 2022 from the special fund. According to plans of the ministry, an advanced version of the EUROFIGHTER weapon system is to take over the task of electronic warfare going forward, the plan being to procure 15 of these EUROFIGHTER ECR (electronic combat and reconnaissance) variants. The decisions necessary for this are expected to be made in the summer of 2023 and implemented by 2029.

For more than 50 years, since 1972, the Bundeswehr has used the CH-53 helicopter, whose numbers are slowly decreasing. The current annual programme of a total of 6,000 flying hours – of which 4,586 flying hours could

be realised in the year under review – is to remain in place until the introduction of the heavy transport helicopter (HTH). A positive development is that the inadequate supply of spare and replacement parts criticised in last year's report has improved. However, due to the age of the weapon system, supply bottlenecks and thus negative impacts on the number of flying hours cannot be excluded in the future. In addition, the fact that all types of the CH-53 weapon system will undergo armament measures by 2024 at the latest is in conflict with an increase of flying hours. The planned delivery of the HTH successor, the CH-47F (Chinook), from 2026 should enable the timely replacement of the old CH-53 system and the gradual end of its service life in 2030. The **Chinook** has the major advantage that the US Armed Forces and a few European countries already use it, including the Netherlands, with which Germany collaborates closely. Pilots and mechanics from various countries have therefore been trained in this system. Overall, the worldwide use of the helicopter reduces the technical, time-related and financial risks associated with such a large-scale procurement project.

The development regarding the availability of the **NH90** aircraft for training purposes at the International Helicopter Training Centre in Bückeburg is encouraging. By the end of the year under review, the Bundeswehr had managed to once again increase its training capacity, which had been reduced in 2021. The better availability of NH90 aircraft, support in the form of aircraft and personnel from the two transport helicopter regiments and improved coordination between the International Helicopter Training Centre and the transport helicopter regiments thanks to the now established leadership of Army Helicopter Command in Bückeburg have contributed to this development. Overall, this is very much to be welcomed.

Progress is being made with respect to the **digitalisation of the land forces**. As one of the first investments financed through the special fund, at the end of the year under review the Budget Committee of the German Bundestag approved the procurement of new and modern digital radios. The times in which radios from the 1980s needed to be reconstructed should soon be a thing of the past. The Bundeswehr intends to begin supplying handheld and vehicle radio sets to the Army in particular from 2023. The servicewomen and -men will have to wait longer for the introduction of a completely transportable and digital radio network. At the beginning of 2021, the procurement contract was concluded in the scope of the Moveable Cellular Networks project. Once they have been delivered, the devices are primarily meant to improve communication in the field of mobile command and control facilities as well as logistic and sanitary facilities. The wireless network should then be able to work with both TETRA and LTE. It should also be possible to connect with satellite communication systems. Ideally, a single device in the hands of the servicewomen and -men should cover all of the possible networks, because today, unfortunately, there is hardly a device – within the Army in particular – that can meet this specification. Instead, there is a smorgasbord of analogue and digital technology, which results in internal communication difficulties as well as with international partners. The sad reality is, unfortunately, that servicewomen and -men report to the Parliamentary Commissioner that they have to open the doors of tanks or even call out or get out from inside to make themselves understood.

In the reporting year, the urgency of being able to transmit data and language in a protected way was a constant topic during troop visits. The Chief of the Army also reiterated that the most important task for the time being for the modernisation of the Bundeswehr is to enable secure communication. The Movable Cellular Networks system is a building block towards resolving this issue, but it has suffered from repeated delays since the contract was concluded at the beginning of 2021. In the opinion of the Ministry of Defence, these delays have been caused by the industrial sector which, in turn, places the blame on the Covid-19 pandemic, force majeure and massive interruptions of global supply chains. In light of these circumstances, even the delivery of the first series system planned for the fourth quarter of 2023 is an ambitious target according to the ministry. Under the current plan, the entire process of bringing the current outdated field unit radios into the digital age – that is, among other things, the procurement of soldier radios and command radios as well as the build-up of the network – is scheduled to be finished with the procurement of the second lot of the Movable Cellular Networks project in 2027 at the earliest. This is definitely too long.

It is encouraging that, on 22 June 2022, the Budget Committee of the Bundestag approved the provision of EUR 25 million for the procurement of mid-range **operational vessels** for Navy Special Operations Forces Command. This procurement is to take place via framework contract with a fixed commissioning of operational vessels together with accessories. A replacement for the old rigid-hull inflatable boats is urgently needed, because they are no longer serviceable, which in turn has a substantial effect on the training and sustainment

training of Navy Special Operations Forces Command. The operational vessels are expected to be delivered in the fourth quarter of 2023.

The **P8 pistol** is at the level of technology of the 1990s and thus no longer meets the current requirements. To resolve the known technical and ergonomic deficits of the P8, the Federal Ministry of Defence has launched the “New Pistol, Common” project. As part of this project, an Integrated Project Team at the Bundeswehr Office for Defence Planning has already created the necessary document with the description of the capability gap and the functional requirement and presented it to the Ministry of Defence. Once this document is signed by the Chief of Defence, the FOBwEITISS is to assume responsibility for the procurement. According to the ministry, the intention is to fully replace the P8 pistol with a new one by 2026 at the latest, assuming that financing for the project is sufficient. This begs the question of why the introduction of such an elementary item of equipment like a new small-arms weapon takes so long, considering the wide range of commercially available products.

The **T-10 parachute system** is still missing the ability to steer in conjunction with high-velocity parachute landing falls or landing approaches, or in suddenly changing wind conditions. In the year under review, the Bundeswehr reported 66 parachuting accidents (2021: 65). Every parachuting accident is one too many. There is no improvement in sight until the new and safer B variant of the Ensemble de Parachutage du Combattant (EPC-B) parachute system has been introduced. The field units have already received the first main and backup parachutes to carry out the military type approval. During a troop visit of the Parliamentary Commissioner to the Airborne Operations and Air Transport School in Albstadt, however, it was reported that equipping the EPC was associated with significant challenges and friction. Approval for the use of these parachute systems has been granted in the meantime so that initial and training operations could be commenced. Full operational readiness is expected by the end of 2023. Beyond this, the delivery which has begun remains behind expectations. For example, of the additional 300 main parachute and 200 backup parachutes ordered for 2022, the manufacturer was only able to deliver 200 and 165, respectively. In light of the altered requirements of parachute systems, it is incomprehensible that replacement of the T-10 system is not happening more quickly and there have once again been delays.

In contrast, the supply of **combat helmets** (special forces, heavy duty) to parachutists is encouraging. Compared to the (general) combat helmet, the heavy-duty variant is significantly more comfortable to wear and can be used in a wider variety of ways. To date, this arm of service had to carry up to three different helmets to use a radio headset with ear defenders and for jumps with automatic or manual parachute release, features now combined in a single helmet. Servicewomen and -men of 1 Airborne Brigade in Saarlouis thus deemed the helmet a “quantum leap” during a troop visit. The Bundeswehr should hold on to this progress and also find a remedy for the following shortcoming:

- *Although the helmet is equipped with rails to attach accessories, there are no suitable service-issue camouflage covers and headlamps, for instance for reading and writing on handheld maps and command and control documents in tactical conditions at night. The field units therefore help themselves with privately purchased items, as in many areas.*

Combat clothing and safety equipment

Servicewomen and -men generally carry out their core mission in the field, in vehicles, in aircraft, on ships, in service shops or in another comparable environment. In addition to the necessary equipment, it is therefore crucial that they have appropriate and suitable clothing and safety equipment for their mission. This should be an absolute matter of course.

Much too often this was still not the case in the year under review. As in years prior, central items of clothing and personal safety equipment were the focus of the complaints of servicewomen and -men. The requirements primarily concerned the modern combat clothing kit, the modular ballistic protection and carrying equipment, a combat helmet with accompanying headset with ear protection function and a modern rucksack model. In line with the original plans, the majority of servicewomen and -men will receive these items of equipment in gradual steps, with the process not to be completed until 2031, mainly due to a lack of budgetary funds. The altered security situation since the beginning of Russia’s war of aggression against Ukraine has made clear the urgent need to finally outfit the field units quickly and in the best possible manner.

To achieve this objective, the parliament – together with the Federal Ministry of Finance and the Federal Ministry of Defence – has chosen a welcome new path: although the defence budget for the reporting year had

not yet been officially passed, the Budget Committee of the German Bundestag approved additional budgetary funds of nearly EUR 2.4 billion at the beginning of April 2022. In doing so, the Budget Committee enabled the Ministry of Defence to initiate the necessary orders early on so that **advanced full resourcing** of the active field units with personal combat clothing and personal equipment could be achieved by the end of 2025 – six years earlier than originally planned. The initiative comprises the procurement of combat helmets, combat clothing, protective vest systems and rucksacks, thereby remedying the main complaints of the service personnel. This exemplary approach of the parliament and the government demonstrates that sometimes sluggish processes can absolutely be accelerated and formal policies can be interpreted more creatively – if only all those involved have the will to do so.

There is hope for progress in particular through outfitting the so-called **Armed Forces combat clothing kit**. This kit comprises 25 individual items – including combat overall, cold-weather and waterproof protection gear, underwear and various gloves and protectors – and resolves numerous complaints from previous years, for example by providing better protective clothing for troops who mainly have outdoor assignments and are exposed to weather conditions. Additionally, the (woodland camouflage) combat glove, which is often criticised as being unsuitable for firing exercises, is to be replaced by the (tactile) combat glove, which can be used for firing operations without restrictions.

The request expressed by servicewomen and -men for many years now for a replacement for the system colloquially referred to as load-carrying equipment is also to be met with the comprehensive introduction of the **MOBAST** protective vest modular ballistic protective and carrying system. This protective vest comprises modern carrying equipment that should resolve the functional deficiencies of its predecessor. The so-called MOLLE system (modular lightweight load-carrying equipment) also promises the ability to simply and easily attach and carry items of equipment on the protective vests by means of loops.

After thorough criticism of the decades-old combat rucksack, the planning and procurement offices of the Bundeswehr had been thinking for years about the requirements of an especially high-quality rucksack model. Luckily, in the year under review, the Chief of Defence put an end to the debate surrounding the countless things that this rucksack should be able to do, and decided that all of the field units would receive the modern 110-litre **rucksack model** in olive drab and thus a tried-and-tested model which is readily available on the commercial market. This is the first indicator of quick decision-making and the procurement of commercially available products. This example should set a precedent.

The comprehensive provision of the field units with these items of clothing and equipment makes them standard items in the Bundeswehr. It is therefore hoped that this will significantly reduce the logistics footprint in supply management. Specifically, with the advanced full resourcing, the Bundeswehr is to receive up to 150,000 Armed Forces combat clothing kits, 305,000 modular ballistic protection and carrying equipment systems, 210,000 combat helmets and 250,000 110-litre rucksack systems by 2025. Now the equipment must make its way to the field units as quickly as possible. The servicewomen and -men have a justified expectation that the Bundeswehr provide them with safe and modern personal equipment.

It is therefore encouraging that this initiative already had an impact in the year under review. With this initiative, the Bundeswehr had the ability to significantly increase its original orders, thus increasing the number of delivered MOBAST protective vests by 75 per cent, for example. The delivery of rucksack systems was even well more than double the amount initially ordered. Furthermore, suppliers – some of which are small and medium-sized enterprises – created new **production capacities** for the Bundeswehr, meaning that an even greater influx is expected in 2023.

After decades of material savings, the advanced full resourcing is meant to bring the Bundeswehr to a level comparable with its allies in terms of material resources and finally put the servicewomen and -men in a position to be able to optimally prepare for missions in line with the slogan “train as you fight” during their exercise periods in routine operations. Bringing this timeline forward was the right decision, albeit an overdue one. In this context, it is also important that the field units have sufficient **locker capacities** to be able to store everything. The Ministry of Defence must also work intensively on achieving the comprehensive outfitting of the field units with these items as rapidly as possible, ideally prior to the end of 2025. After all, the servicewomen and -men are already in need of the equipment today and not in three years’ time. The speed with which the personal equipment noticeably makes its way to the field units is a benchmark for whether the situation is actually improving for the Bundeswehr.

Until then, it will have to rely on material resources already on hand. This includes, for instance, the 90 field clothing system, the functional limits of which the field units repeatedly complained about in the year under review:

- *The main points of criticism were the insufficient waterproof and cold-weather protection as well as the lack of abrasion and impact protection on the elbows and knees. In particular forces operating outdoors and in the field, such as security squadrons, instructors and those employed in the field of electronic warfare felt this every day.*

Until the full resourcing with the Armed Forces combat clothing kit has been attained, the Bundeswehr must continue procuring the items from System 90 in the required amounts to be able to outfit the service personnel in the interim. Even thereafter, the field units are also to continue using this clothing as a substitute, if necessary. Along the way, the ministry is striving to reduce the prior scope of equipment from 18 items to only six items from the **90 clothing system** without a protective function, such as the field jacket, shirt, trousers and undershirts.

It is particularly unfortunate that, until full resourcing has been completed, the forces on deployment abroad and in standby commitments still only receive their auxiliary equipment temporarily for the duration of the deployment. After deployment, service personnel are only permitted to keep close-fitting undergarments and socks. Their dissatisfaction about this is understandable in every respect:

- *The 11th contingent of the ENHANCED FORWARD PRESENCE battle group Lithuania was affected by this in particular. During her troop visit to Rukla on 22 February 2022 – immediately prior to Russia’s attack on Ukraine, a violation of international law – the Parliamentary Commissioner ascertained that the operational forces were lacking sufficient cold-weather and waterproof protection gear, in addition to underwear, in the middle of the Baltic winter. At least the Bundeswehr rectified the situation quickly. However, at the end of the operation, the servicewomen and -men had to return this protective clothing, as they explained to the Parliamentary Commissioner on her next troop visit on 8 November 2022 in Viereck.*

The follow-on contingent had its own sets of **cold-weather and waterproof protection gear**. Despite an understanding for supply bottlenecks, this is about items which the field units also need during routine operations. The Bundeswehr should organise itself differently in order to resolve the issue expeditiously.

Generally, servicewomen and -men receive their auxiliary equipment eight weeks before their transfer at the earliest. This outfitting on short notice prior to deployment is criticised during nearly every troop visit – and rightly so, because this process does not meet the expectation of the “train as you fight” principle. Especially prior to an upcoming deployment, the field units need their specific equipment and clothing as early as possible, so that they can familiarise themselves with it and its handling. It is unacceptable if the equipment is not available at all or not available completely before the deployment begins:

- *During a troop visit to 292 Light Infantry Battalion in Donaueschingen at the end of the year under review, servicewomen and -men reported that mission-relevant equipment – trousers, shirts and protective vests – was not available in the right sizes nor the permitted numbers just a few days prior to their departure to Mali. The Ministry of Defence acknowledged that there was a lack of items in common sizes. The Bundeswehr must urgently resolve this issue, so that such a case is not repeated.*

The supply of **NBC protective gear** is also problematic:

- *During many troop visits of the Parliamentary Commissioner – among others to the Navy, “Richthofen” 71 Tactical Air Wing, the Berlin command and control area of 1 Medical Regiment and the Bundeswehr Medical Academy in Munich – servicewomen and -men criticised that there was not enough CBRN protective masks to provide them to each and every individual. Often the sizes needed are not available, or the filters are missing. In some cases, servicewomen and -men who are leaving service must return their mask long before the end of their term of service.*

Within this context, the Ministry of Defence announced it would increase the stock of NBC protective masks by 95,000 to compensate for losses through damage and wear as well as to create better room for manoeuvring and disposition. These are welcome efforts. It is now important that the masks also arrive at the field units.

A further encouraging development is that the Bundeswehr smoothly completed a flagship project for the modernisation of equipment at the end of 2021: ahead of schedule, the Bundeswehr managed to outfit all field

units with combat boots as well as the accompanying functional socks. Therefore only replacement procurement – that is, exchanging old combat boots for new ones – has been taking place since the beginning of the reporting year.

However, the exchange of **combat boots** and other garments does not always go smoothly:

- *During a troop visit of the Parliamentary Commissioner to 295 Artillery Battalion in Stetten am kalten Markt on 15 November 2022, servicewomen and -men complained about the difficulty in working with the clothing store there. For example, they were required to present a medical certificate and/or a damage report to receive new equipment to replace older items. It is also not unusual for servicewomen and -men to receive different equipment, despite having the same requirement.*

It is not acceptable when there are difficulties on deployment:

- *During a troop visit of the Parliamentary Commissioner in Lešť in Slovakia, members of the contingent criticised that replenishment from Germany took too long, in particular for exchange clothing. According to the Ministry of Defence, the average transit time is 17 days for the requested materials, and eight days for mission-essential spare parts. The contingent in Lešť had already received additional clothing items prior to the beginning of their deployment in June 2022, so a corresponding reserve on-site was not necessary.*
- *During a troop visit of the Parliamentary Commissioner in Lithuania on 20 December 2022, operational forces complained that there were not enough boots in stock for them to be exchanged. Furthermore, only two offices were available for exchange items, and responsibility for them was intended only as a secondary assignment.*

Both cases demonstrate the fundamental problem: on deployment in particular, the supply of items of clothing and equipment must always be ensured. This requires sufficient premises as well as personnel which can see to exchange needs adequately, and not simply as a secondary responsibility. Above all, however, the Ministry of Defence must ensure a sufficiently large stockpile of clothing and equipment in the operating location and for rapid replenishment when needed.

In contrast, the improvement in outfitting of service personnel with **firefighting clothing** is encouraging:

- *During a troop visit to the Air Force Force Protection Regiment “Friesland” in Schortens, firefighting personnel reported about the insufficient quality of their standard-issue boot. The shoe, which is designed as a slip-on boot, is not equally suitable for all servicewomen and -men. The Ministry of Defence has already recognised this deficiency and announced that it would outfit all firefighting personnel with modernised firefighting clothing. This also includes a firefighting boot that can be better adapted to the shape of the wearer’s foot thanks to side lacing, thereby increasing wearing comfort. Outfitting will begin from the first quarter of 2023.*

Furthermore, progress has been made with regard to protective clothing for aircraft engineering personnel of the Bundeswehr. They are entitled to two (variable) **mechanics coveralls** and two (summer) mechanics coveralls. These additional assignment-specific items were not always available:

- *One senior NCO complained that the supply of (variable) mechanics coveralls at the NATO air base in Wittmund was not ensured, in particular in larger sizes. An examination of the situation was able to confirm this assertion. According to information provided by the Federal Ministry of Defence, the multi-year framework agreement concluded in May 2021 provided a resolution to the issue and enabled the delivery of a total of 4,600 (variable) mechanics coveralls in all sizes in January and February 2022.*

This therefore ensures the unrestricted supply of the (variable) mechanics coveralls in all sizes. These clothing items still pose problems:

- *For several years now, servicewomen and -men have complained that the mechanics coveralls were not breathable enough in the summer months. Moreover, during a troop visit to the Ämari air base in Estonia, the Parliamentary Commissioner learned that these items shrink noticeably after a few washes. The Federal Ministry of Defence has since recognised the need to provide a modern mechanics coverall suitable for wear in summer for use in domestic routine operations. Because this requirement cannot be met through the procurement of commercially available products, a new mechanics coverall tailored to the specific needs of the Bundeswehr is being developed at the express request of the Chiefs of Staff of the services and the*

military organisational elements. To this end, two different types of fabric are to be field-tested as part of troop trials.

This development is very encouraging. It is important, however, that it does not end up as a time-consuming and overly expensive tailor-made product; development must progress quickly.

There is also room for improvement in the Bundeswehr with regard to administrative processes for personal equipment:

- *During a troop visit of the Parliamentary Commissioner to 414 Tank Battalion in Lohheide, servicewomen and -men described that their Dutch counterparts had the option to have their service-issue clothing send to the barracks or to their private address. They, however, were forced to pick up every pair of socks at a service point of the clothing store. The clothing and equipment record, which is still maintained in paper form in the Bundeswehr, has been digitalised for some time now for their Dutch counterparts.*

There is good news from BWI GmbH on this topic. The entire process for issuing clothing and footwear has been digitalised – from taking measurements to shipping. The **BundesWEAR** project of BWI GmbH for the digitalisation of the clothing issue process was named the best digitalisation project of the Federal Government, states and communities as part of the 21st eGovernment-Wettbewerb competition in 2022. The ability of servicewomen and -men to use a camera scan in a web application to take their own measurements – anywhere, at any time and even using their mobile phone – could replace manual measuring or the issue of clothing by guessing sizes. The users order their items themselves, and delivery is carried out promptly. The advantages of this procedure go far beyond the practice of the Dutch armed forces described by Bundeswehr soldiers in Lohheide: measuring and ordering would be possible everywhere and at all times, meaning that servicewomen and -men would already be outfitted from their first day in the Bundeswehr. Thanks to no dependence on a specific location, sizes and variants would ideally always be available, unlike with clothing stores. In the future, servicewomen and -men could save themselves the trip if they have no need for personal advice at the service point. The BundesWEAR project is an example of the many potential improvements to clothing management that digitalisation could bring, a project which Bundeswehr Bekleidungsmanagement GmbH is already working on. They know that things can be done digitally – now it is about putting digitalisation into practice. There is not a reliable schedule for the introduction of app-based measurement software yet, which is understandable considering its dependence on, among other things, the successful introduction of SAP at Bundeswehr Bekleidungsmanagement GmbH in 2023. Moreover, before the software is introduced, Bundeswehr Bekleidungsmanagement GmbH must ensure the uninterrupted supply and trouble-free operations for the introduction period, which also takes time. The will to make the project a success is there in any case.

Patience is also called for in other places. For field units, it is essential that they can effectively communicate with each other in the field and on deployments. However, it is not uncommon for servicewomen and -men to forgo wearing the prescribed ear plugs during firing exercises and risk damaging their hearing only because they want to better communicate and understand the field unit radios. Many servicewomen and -men who frequently participate in firing exercises, working as trainers and spending many hours at the range, have been waiting for years for a combat helmet as well as the corresponding **radio headset with ear defenders**. Although procurement of the latter is under way, it is not a component item of advanced resourcing. The goal is to successively procure up to 203,000 radio headsets with ear defenders by the year 2029. Because current plans only provide for delivery of 15,000 sets in 2023 and up to 30,000 sets in each of the following years, however, it should be assumed that the radio headset with ear defenders will remain a scarce item for many years to come. This is unacceptable – after all, it is a matter of the health of the service personnel. The Ministry of Defence should work on moving this procurement forward as well, so that the field units also receive the corresponding radio headsets with ear defenders along with delivery of the combat helmets. Without sufficient ear protection that is suitable for everyday use, there is a high risk that service personnel will suffer hearing damage and become hard of hearing.

For servicewomen and -men with **hearing impediments**, the situation in the Bundeswehr is as unsatisfactory as ever: in addition to a lack of individual ear defenders, there is also a lack of the corresponding combat helmet compatible with them. Rather than being taken care of properly, those impacted are passed from unit physician and medical specialist to occupational health and safety specialist, which also involves the company doctor, Bundeswehr Medical Service Command and the relevant Bundeswehr technical centre. In addition, the situation is complicated by the fact that the FOBwEITISS and the Federal Office of Bundeswehr Infrastructure, Environmental Protection and Services (FOBwIEPS) are also involved in the procurement process.

In this context, the Federal Ministry of Defence refers to an acoustic database maintained at 91 Bundeswehr Technical Centre. An ear defender model listed there which is suitable for the affected service personnel could be procured by the technical centre. Nevertheless, all of this seems to only work in theory. The parties involved lacked a clear regulation on how to proceed and a central office for coordination. Moreover, in light of the diversity of ear protection products available as well as insufficient technical knowledge, the unit physicians and medical specialists apparently are hardly able to correctly complete the necessary form for a special ear protection with all of the specific requirements and characteristics. It remains to be seen whether this problem will be resolved by the comprehensive introduction of the combat helmet (armed forces), which is compatible with ear defenders, set to begin in 2025.

The provision of **personal protective equipment** also does not always go without a hitch. A petition submitted by a head of occupational health and safety exemplifies this:

- *She suggested providing specific occupational health and safety software to all specialists and complained in particular about how long it took to procure special work shoes and about the availability of work gloves.*

Both concerns are justified. Specific occupational health and safety software would not only enable the storage of all important documents for the creation of risk assessments or general legal information, but it would also make networking and exchange among specialists on technical topics possible. It is therefore a welcome development that the FOBwIEPS has submitted an initial request for the introduction of such software. In the interest of accelerating the process, the Bundeswehr has also initiated a project for the future central procurement of 38 different clothing items as part of personal protective equipment covering around 80 per cent of the activities requiring protective clothing in the Bundeswehr. The procurement will be carried out in three partial packages between 2023 and 2025, with the products from the first partial package being available from the end of 2023. In addition, the intention is for additional items to be added to this procurement project to achieve complete coverage of the activities requiring protective clothing. Furthermore, a catalogue is meant to make it easier for the technical centres to identify, select and request suitable personal protective equipment going forward.

Service clothing

A tangible change to the process is in the works for civilian service clothing, dress uniforms and sportswear. To date, self-suppliers and partial self-suppliers had to or were able to procure these items themselves and receive a subsidy in various amounts in return. On 12 January 2022, the Chief of Defence decided that the Bundeswehr will provide these items free of charge as well going forward. This approach is very practical and should also lead to a reduction of bureaucracy, as there is no longer a need for the complicated accounting of the clothing subsidy.

The previous **clothing sale store** model will thus be phased out in the medium term. The nearly 60 service points, which are responsible for the issue and exchange of clothing and footwear provided by the government, will remain, while the 11 sales shops of Bundeswehr Bekleidungsmanagement GmbH, which exclusively serve self-suppliers and partial self-suppliers, will be closed. The corresponding web shop will also be done away with. The extent to which the field units will be able to order their standard-issue clothing or additional clothing at their own cost online is still to be clarified.

It is important that such an **online portal** works and is simple to use. There were isolated complaints in this regard during the year under review:

- *Several servicewomen and -men complained that they had to identify themselves once again for online orders by presenting their military ID card in a shop or a service point or by sending in a copy by mail after the relaunch of the Bundeswehr Bekleidungsmanagement GmbH online shop from 28 February 2022. According to Ministry of Defence, it had informed the chiefs of staff of all commands about the relaunch of the web shop and the re-registration process and asked them to pass this information on to their respective units. Moreover, corresponding information was presented on the Bundeswehr Bekleidungsmanagement GmbH website and on the Bundeswehr Intranet, and the Clothing Sales Store Committee, which is made up of representatives from all branches of service, was aware of this measure. Since 31 August 2022, all*

servicewomen and -men have been able to securely submit the account application and a copy of their military ID via an upload link.

The dissatisfaction of the servicewomen and -men that their user information, some of which had been known for many years, was not transferred to the new web shop is understandable, but this was not possible for technical reasons. However, it is not understandable that Bundeswehr Bekleidungsmanagement GmbH did not manage to enable the necessary documentation to be uploaded online at the same time as the redesign of the web shop. At least servicewomen and -men deployed abroad were able to make use of this option during the transition period.

The Ministry of Defence has been working for some time on its plans to introduce modern service clothing and dress uniforms throughout the field units. This **modernisation** is meant to come with improvements in quality and wearing comfort in particular. Delivery of the first items for the class A uniform – consisting of trousers/skirt, shirt/blouse and jacket – is expected to begin in 2026. The Bundeswehr also plans to update the sportswear of the field units. However, this project is still in the planning phase and the funding for it has not yet been secured.

Although both projects are essentially welcome developments, the Ministry of Defence is responding much too late to the needs of the servicewomen and -men. They have been complaining for a long time about the uncomfortable and outdated uniforms, and it is difficult to comprehend that the field units are expected to wait another three years for replacements. This applies in particular to the outmoded and out-of-fashion sportswear. There is a wide range of commercially available functional clothing which the FOBwEITISS could procure quickly and easily. We cannot allow the field units to wait another three years for more modern options here as well.

5. Personnel

The Ministry of Defence is still pursuing the objective of building up a body of military personnel of some 203,000 servicewomen and -men by the year 2031. This is accompanied by reserve forces with a target figure of up to 60,000 reservists. At the same time, as stipulated in the coalition agreement, the Ministry of Defence is taking a critical look at the personnel, materiel and finances of the Bundeswehr. With regard to personnel, the ministry has already made initial decisions deemed urgent in light of the refocus of the armed forces on the core task of national and alliance defence, including an increase of basic training capacities. At the NATO summit in Madrid in June of the year under review, the Federal Chancellor indicated that Germany's contribution by the year 2025 would be an Army division which is operational and deployable.

To be able to meet this political commitment, the Joint Support and Enabling Service, the Medical Service and the Cyber and Information Domain Service also must provide the corresponding capabilities; these enablers need to be bolstered. Among other measures, the Ministry of Defence intends to form an additional logistics battalion with around 1,000 military posts, two additional CBRN defence companies with some 700 military posts and one additional military police company with around approximately 200 military posts. There is also a planned volume of 2,000 military posts for the Bundeswehr Medical Service. This growth is to take place within the scope of the 203,000 military posts overall, and the new division is to be operational within two and a half years. This could therefore result in necessary restructuring of personnel which will directly affect many servicewomen and -men – for example through transfers or retraining for other arms of service.

These processes are unavoidable. This means even more responsibility for those decision makers involved in the transformation. They are challenged with finding a balance between the attractiveness of the Bundeswehr for those who serve in it on the one hand and, on the other, the duties of the military profession. Because the upcoming reform process will come with difficult changes for the career paths or private lives of many servicewomen and -men, it is thus extremely important that all measures will be accompanied by appropriate communication, both from the political leadership as well as from all other superiors.

Personnel situation

As at 31 December 2022, the personnel body of the Bundeswehr comprised 183,051 service personnel, of which 56,729 were career soldiers, 116,872 were temporary-career volunteers and 9,450 were volunteers for military service. This figure is below the previous year, when the number of service personnel totalled 183,695 as at the

same reporting date. The armed forces thus have a long road ahead to reach the military target of around 203,000 servicewomen and -men by 2031. This is even more true, considering that the Bundeswehr is competing with the economy. In addition, it must also confront the demographic and societal challenges of the labour market in Germany, such as the growing shortage workers and specialists in particular, as well as declining numbers of school-leavers. In light of these overarching conditions, it is questionable whether the personnel targets of the Ministry of Defence are still realistic. It is therefore a welcome development that the ministry is carrying out the critical inventory anchored in the coalition agreement and analysing the entire military personnel body with regard to the percentages of career soldiers and temporary-career volunteers.

In this process, the guiding principle must be that the Bundeswehr has an urgent need to act when it comes to personnel as well. It is not enough that only the Federal Office of Bundeswehr Personnel Management is introducing new measures for recruiting and retaining personnel. Rather, a combined effort of the entire Bundeswehr and the ministry is required to take on the challenge of the shortage of personnel at all levels. In addition to the professionals in the personnel departments, all servicewomen and -men and civilian employees of the Bundeswehr are called upon to make the armed forces an attractive employer. Each and every person in the Bundeswehr is responsible for how their actions affect the **attractiveness of the armed forces** and personnel recruitment. A transformation can only be accomplished if a culture of togetherness comes through in personnel recruitment.

Modern infrastructure and equipment are just as important as good leadership from superiors and true guidance in the careers centres. The career advisors must be honest and realistic in describing what it is like to serve in the armed forces in order to manage the expectations applicants have after seeing exciting recruitment videos. Good prospects for training, advancement and promotion are also needed so that servicewomen and -men are happy to stay in the Bundeswehr for a long time. The major organisational elements have to work hand in hand with the Federal Office of Bundeswehr Personnel Management and the ministry to this end.

Questions of location also play a significant role when it comes to attractiveness and personnel retention. Plenty of servicewomen and -men leave the Bundeswehr because they are not able to perform their regular duties where they live their lives. A reduction of secluded individual locations in favour of combining many barracks in easily reachable regions could be a solution which enables career paths without countless moves. This requires courageous political decisions. The compatibility of family and duty is also a central aspect for personnel retention. Servicewomen and -men must know that everything is cared for at home, even when they are deployed. Otherwise, the ability to deploy quickly and operational readiness can hardly be realised for many soldiers. We also cannot forget about the slow-moving digitalisation of many processes in the Bundeswehr. If the armed forces hope to be attractive and modern for young applicants, there need to be rapid improvements in this regard.

In the year under review, the challenges in recruiting personnel were reflected in the declining numbers of applications. The effects of the Covid-19 pandemic also still had a tangible impact on the recruiting process in 2022. At the beginning of the reporting year, these effects hampered the Bundeswehr's participation in **recruiting opportunities** such as trade fair events as well as personal contact with interested people as part of career advice. Nevertheless, by the end of 2022, the Bundeswehr had fortunately managed to not only avoid a decrease in appointments compared to the previous year, but even achieved an increase in the number. This is thanks in particular to better tapping the potential of the applicants. Approximately 18,770 new service personnel had started duty by the end of the year under review. Compared to 2021, this represents an increase of around 12 per cent, which is primarily attributable to gains in the junior ranks and military service volunteers. The Bundeswehr cannot let up in its efforts, as the planned growth to 203,000 servicewomen and -men by 2031 is presently being made more difficult by the high level of vacancies which has been ongoing for years. If the armed forces are not able to recruit or retain the personnel required for the tasks ahead, there is a real danger of overloading the servicewomen and -men in many units.

As at the 31 December 2022 reporting date, 18,692 of the 117,987 military posts above the junior ranks were **unoccupied**. This corresponds to 15.8 per cent. There have been gaps this significant for years; however, the proportion of posts filled is headed in the right direction. Although the number of posts increased by 1,013 year over year, the number of unfilled posts declined by 1,720 in the same period. Moreover, above the junior ranks, 2,721 servicewomen and -men carry out tasks outside of their posts. There is further potential for optimisation here. The Ministry of Defence expects a continued improvement in the proportion of posts filled going forward, as the number of soldiers currently in training is slightly above the need forecast by the Bundeswehr for

planning purposes. It remains to be seen whether these developments will be sufficient for a tangible improvement in the situation of unfilled posts.

Not all departments of the Bundeswehr are impacted in equal measure by the high level of vacancies. There has been remarkable development in numerous speciality series and assignment categories in recent years, and they have an occupancy rate of up to 100 per cent. Among non-commissioned officers, for example, this applies to the S3/S2 staff duty unit and, among the sergeant ranks, to the base camp environmental control unit technicians and the information processing NCOs. It is generally a pleasing development that recruitment is able to noticeably fill certain speciality series and assignment categories with personnel. However, this also has a downside. Following the substantial growth in posts in the 2010s, it was often easy to bring personnel and posts together in accordance with the soldiers' wishes and qualifications. At that time, there were many open posts in attractive locations. This convenient situation is about to change. The range of speciality series and assignment categories as well as locations with open posts is narrowing, and this is posing a further major challenge for the Bundeswehr, as it is now only able to offer interested applicants a smaller selection of assignments in the armed forces.

Despite an occupancy rate of up to 100 per cent for some speciality series and assignment categories, there are still many units with high levels of **vacancies**. The greatest challenge for personnel recruitment and retention in this regard is in the specialist branch of non-commissioned officers. Occupancy rates of below 60 per cent of the designated posts are no rarity in this area. Assignment to the junior NCO career path often requires the same entry qualifications as the sergeant career path. Many interested applicants with the corresponding qualifications therefore obviously opt for the higher-ranking career path. For instance, this applies to assignments that require a pre-enlistment civilian profession in the fields of electronics or electrical engineering. The Bundeswehr has recognised the problem and taken action, for example by increasing job postings and offering incentives in the form of bonuses. The new ability of NCO specialists to transition to the status of career soldier could also provide some relief in this situation.

However, especially in light of the strong competition from the civilian labour market for well-qualified applicants, it remains questionable whether these measures are enough. Complementary organisational measures could thus offer solutions in areas with extraordinary shortages of personnel. One possibility could be, for instance, restructuring posts so that higher-order tasks are reassigned from NCO specialists to the sergeant rank, and less-demanding tasks of the NCOs are transferred to the newly created top levels of the junior-ranking career path. Doing so would create additional attractive posts in the career paths for senior non-commissioned officers and, at the same time, enhance the corporal posts with more responsibility.

In any case, the Bundeswehr must act quickly and emphatically, because the abstract concept of personnel readiness of the armed forces is not all that is on the line. The people in the Bundeswehr are also at risk of sacrificing their motivation or, in the worst case, their health if they are forced to do the work of two people over the long term. At numerous troop visits, highly motivated soldiers described, for instance, how often and how long they had been deployed at sea, in operations abroad, at training areas, at training facilities or as part of NATO commitments, and were thus not able to serve in their home location. It is not uncommon for service personnel to go from one deployment to the next, without any appreciable time between spent service at their home location – and that over a period of several years. Many servicewomen and -men take this undue burden in stride. This is proof of their high work ethic and deserves our greatest respect. However, the ministry must put an end to this development in consideration for the health and motivation of the soldiers. If there is insufficient personnel to carry out the specified duties, the duties may have to be questioned and given lower priority.

The **Cyber and Information Domain Service** (CyberInfoDS) major organisational element has undergone constant growth since its establishment in 2017. Bundeswehr Communication and Information Systems Command, Strategic Reconnaissance Command and the Bundeswehr Geoinformation Office are under the authority of CyberInfoDS command. Together, these units had 15,222 posts as at 31 December 2022, representing an increase of nearly 500 posts in the year under review. In spite of this growth, personnel recruitment managed to maintain the occupancy rate for posts in the entire CyberInfoDS major organisational element at around 80 per cent. Taking the personnel which carry out duties outside of their posts in this major organisational element into account even results in an occupancy rate for posts as at 31 December 2022 of around 84 per cent. Despite the overall positive developments, there are still areas with particular deficiencies. This continues to affect the cyber operations, cybersecurity and software expertise centres of the Bundeswehr in

particular. The demand for IT experts is still a major field of activity with regard to personnel recruitment and retention.

The personnel readiness of the armed forces necessitates well-trained servicewomen and -men. The training organisation of the Bundeswehr once again faced enormous challenges in the year under review, as it too had to struggle with the consequences of the coronavirus-related restrictions of the two previous years. The effects of the pandemic on the **training landscape** have fortunately continued to decline compared with the previous year: as at 1 December 2022, the Bundeswehr had carried out 85 per cent of the occupational speciality training courses planned for 2022, 84.6 per cent of the planned speciality training courses and 78.6 per cent of the planned follow-on training courses. Fortunately, the military major organisational elements were able to further increase their capacities for basic training in the year under review, and were thus able to meet the demand for basic training for newly recruited personnel. However, there is still a “pandemic dent” for certain individual types of training, for example language training which is not associated with a particular post. The armed forces must therefore be prepared to continue increasing training capacities for some time or to have them operating at full capacity.

The **age structure** of the Bundeswehr has been undergoing an upward trend in all career paths for years. Among other factors, this development results from the growing proportion of career soldiers. From the beginning of 2020 to mid 2022, the number of career soldiers has increased by around 2,000, while the proportion of temporary-career volunteers has decreased by some 3,000. In the year under review, the average age of the military personnel was 33.5 years (2021: 33.2). Career soldiers and temporary-career volunteers are 34.2 years old on average (2021: 33.8), and military service volunteers 20.7 years old on average (2021: 20.6). This development follows the overall demographic trend in society and the Bundeswehr likely cannot influence it over the long term in consideration of the demand for personnel.

Personnel recruitment

Since the historic low in June 2016 with around 166,500 career soldiers and temporary-career volunteers, the level of Bundeswehr personnel has grown steadily, in spite of the fact that, at the end of the reporting year, 183,051 soldiers meant a slight decline once again year over year. If the Bundeswehr hopes to reach the target figure of 203,300 servicewomen and -men by 2031, it must once again increase its efforts. The high degree of competition on the labour market due to the continuing shortage of skilled workers and demographic change will continue to rise. In past years, growth in personnel has primarily been achieved in areas where no civilian vocational qualifications are necessary, especially in the junior-ranking career path. By contrast, the Bundeswehr has only been able to meet around 74 per cent of its personnel needs among specialist sergeants and NCO specialists since 2018. The Bundeswehr is able to nearly completely meet its personnel demand for officers, because this career path is associated with a high-quality degree programme and, due to the Vocational Advancement Service, integration into the civilian labour market is easier once they leave the Bundeswehr.

Applications

The greatest difficulty is recruiting highly specialised skilled workers, as they are also experiencing very good conditions on the civilian labour market. There has been a decline in applications since the beginning of the year under review, and the Bundeswehr has responded. In April 2022, the seven-month campaign to find specialists in 2022 began with various **marketing** and recruiting instruments. The Bundeswehr was present at major events to recruit skilled workers, for instance at the ILA Berlin Air Show, the Kieler Woche sailing event, the Interschutz trade fair and the Dimension Land digital career fair. In addition, it utilised further instruments aimed at obtaining skilled workers, such as webcasts, pop-up career lounges, theme camps and skilled worker weeks, as well as less complex measures at train stations, shopping centres, airports, universities and marketplaces to address the target group of 17- to 49-year-olds and pique their interest in a military career. Moreover, on 9 August 2022, the Bundeswehr launched “Wir schützen Deutschland.” (“we protect Germany”), a nearly four-week national image campaign for the Bundeswehr employer brand, making use of a television advertisement for the first time since 2016. The campaign was accompanied by other cross-media measures such as advertisement posters and appearances in social media. The social media products are still available online even after the conclusion of the campaign. By the end of September 2022, the Bundeswehr had reached around 85 per cent of the target group and made 1.1 contacts overall with this campaign. The Bundeswehr web

series on the “BundeswehrExklusiv” YouTube channel had 504,000 followers by the end of October 2022. These promising numbers of clicks and subscribers show that the Bundeswehr is on the right path to communicating with its target group. In the Trendence “Schülerbarometer” for 2022, which surveys 24,700 pupils on their preferred employers, the Bundeswehr came in first place for its careers page and its job advertisements, and second place for its social media presence. It came in second place overall, behind the police and ahead of the customs authority.

While the Bundeswehr was only able to carry out many recruitment measures digitally in 2021 due to the heavy pandemic-related restrictions, for example 374 digital career fairs, it focused more intently on **in-person events** which enabled direct face-to-face exchange in the year under review. By the end of the year, it had managed to hold 67 of the 68 primarily specialist digital career fairs planned for 2022. During 21 in-person applicant days and weeks, applicants were able to engage in face-to-face conversations with the field units, get to know the Bundeswehr as an employer and receive information about the career and advancement possibilities the Bundeswehr offers. With an assignment rate of around 80 per cent of participants, these events are very successful and should therefore be continued in any case. It is also pleasing that the time from application through to acceptance for appointment was reduced to around eight weeks.

The development of the online assessment project began much later than originally planned, and it is still not available. By the end of 2023, interested individuals will be able to make full use of the self-assessment subsection, which has been partially usable since November 2021. The two other subsections for online diagnostics and in-person diagnostics are expected to finally be usable in summer of 2024. Thanks to the allocation of access permissions in e-recruiting, the Bundeswehr Communications Centre for recruiting is now in a position to provide qualified information about the processing status of the application. The **career hotline** of the Bundeswehr Communications Centre receives an average of 13,000 per month. Unfortunately, since 2021, there has been no budgetary funding available for the urgently necessary improvements to this centre, for instance with respect to automated provision of information, application tracking and an interface with e-recruiting. The project is not likely to be realised before 2025.

In 2022, 43,900 people applied for a military career, of which 10,000 for the officer career path and 21,500 for the junior-ranking and sergeant career paths. The other applications were for voluntary military service (10,400) and voluntary military service in home defence (2,000). The decline in applications amounts to around 11 per cent compared to the previous year (49,200) and is therefore significant despite the numerous recruiting measures. For the career paths for temporary-career volunteers, applications dropped by slightly more than 12 per cent overall compared to the previous year, with that figure even reaching 15 per cent for NCOs and the junior ranks. Likely due to the extensive advertising campaign, applications for the officer career paths only declined by 5 per cent. In light of the difficult situation on the labour market, the Bundeswehr does not expect any change in the number of applications received in the short term. Nevertheless, it had reached 90 per cent achievement of the planned 20,790 military personnel appointments by the end of 2022, coming in at 18,770 appointments overall. Efforts to recruit personnel were once again substantial in the year under review. The armed forces should continue down this path in order to achieve a rise in the number of applicants and appointments in the prevailing difficult conditions.

Fewer applications mean a smaller field from which to choose suitable **candidates**. However, a sufficiently large pool is important, as there are a number of requirements between application and appointment which not all applicants are able to meet. Their existing qualifications and professional experience must correspond to the respective need and the requirements of a post in the desired career path. Negative information from the Federal Central Criminal Register or discovered as part of the security clearance procedure could stand in the way of an appointment. Some of those interested withdraw their applications because the Bundeswehr is not able to take into consideration their wishes for an assignment that is close to home or in a certain speciality field. In the year under review, approximately 5 per cent of applicants were not suitable for Bundeswehr service due to health reasons.

In addition to professional and broad-based recruiting and counselling of interested individuals, proper and flexible personnel management is of great importance for successful recruitment. Servicewomen and -men as well as applicants speak with their friends, relatives, neighbours and acquaintances about their experiences. They are the most important multipliers and, ideally, ambassadors for the Bundeswehr.

Appointments

A total of 18,770 applicants began their service in the Bundeswehr in 2022, an increase of 12 per cent compared to the previous year. Of those, 3,970 (around 21 per cent and thus nearly 4 per cent less than in the previous year) left the Bundeswehr within the six-month probationary period, the large majority (3,510) of them at their own request by revoking their employment contract. Only 460 of them were discharged due to lack of aptitude, meaning that only 14,800 remained after the probationary period. If only the temporary-career volunteers who began serving in the Bundeswehr from January to May 2022 are taken into consideration, 27 per cent of those quit service within the six-month probationary period. This figure even approached 33 per cent in the Army. The Bundeswehr would like to decrease the **dropout rate**, which had increased compared with previous years, down to 15 per cent through, among other measures, a qualitatively and quantitatively better description of the requirements for the respective post.

There are a myriad of reasons for dropouts, and an anonymous voluntary survey should provide a picture of the various motivations. While those in voluntary military service often indicate personal reasons, an alternative job offer, excessive demands or a different picture of what it would be like to serve, the most common reason among temporary-career volunteers is a refusal to accept the letter of appointment – this not-very-meaningful term is stored as a selectable option in the personnel management system – with personal reasons taking the second spot. The differing answers are the result of the fact that the selectable reasons stored in the personnel management system are not identical for temporary-career volunteers and those in voluntary military service, and that a reason has to be entered in the system, even if the respective individual does not indicate a reason. This distorts the evaluation of the reasons for early resignation and, at best, can provide a tendency. For temporary-career volunteers in particular it is unfortunately hardly possible to draw conclusions from the information gathered and to take measures to prevent early resignation. There is room for improvement in this regard. The selectable reasons could be aligned for both groups. In addition, it should be possible to select “no reason given” as a reason in the personnel management system if they do not take part in the survey. This would make the evaluation of results substantially more authentic.

Moreover, since 2017, there has been a science-based **anonymous survey** by means of a questionnaire which is completed by around 30 per cent to 40 per cent of those who resign early. The results are analysed once per year. The last analysis for 2021 showed that the reasons for early resignation had not changed materially compared with the previous years. The core finding is that the majority make the decision to leave the Bundeswehr within the first four weeks. The main reasons are private, personal or family-related (42 per cent) and health-related (19 per cent). Further reasons include the distance between the assigned location and home (45 per cent), misconceptions about the conditions at the location (42 per cent) and a better job opportunity (30 per cent). It is welcome that the Bundeswehr has drawn the following conclusions: information provided as part of career counselling should be reliable and transparent, offer a realistic depiction of the activities and engender enthusiasm for the Bundeswehr; the focal points of counselling should be the necessary mobility and pointing out alternative career and training opportunities; measures in the time from approval for appointment to the beginning of service and from the beginning of service (pointing out career opportunities and support programmes) should be intensified to improve the critical initial phase.

These sound approaches should help prevent false expectations of the military profession and thus avoid resignations during the probationary period, even if such counselling leads to a lower number of applications. Applications and starting duty are no use if servicewomen and -men resign their appointment within the probationary period:

- *Petitioners repeatedly point out in their submissions that the careers centres had not given them relevant information or had made certain promises that were ultimately not kept by the Bundeswehr.*
- *Again and again, junior-ranking servicewomen and -men describe during troop visits that applicants at the careers centres had been talked into signing up for voluntary military service in home defence, although they would have rather signed up for voluntary military service or have become temporary-career volunteers. This led to great frustration among those affected.*

The Ministry of Defence responded that the need – in consideration of the necessary aptitude and entry requirements – is decisive for appointments. The Bundeswehr cannot fulfil everyone’s wishes. “Talking someone into” a certain model is not an approach which promises success and it does not take place. Unfortunately, it is not always possible to verify the statements made by the petitioners after the fact, as there is

a lack of detailed documentation. The Bundeswehr stores the most important content of the counselling in the careers centres in the SASPF personnel management system. Due to the immense administrative effort it would require, it is not possible to document every item discussed, and the counselling talks also cannot replace the up-close experience of everyday military life. Nevertheless, the topics covered should be entered into SASPF as comprehensively as possible.

The Federal Office of Bundeswehr Personnel Management (FOBwPM) has established an internal **task force** to fully tap the personnel recruitment and retention potential under the current particular challenges. The task force has identified a need for action in 46 areas and determined where support from other offices is necessary, as the FOBwPM has no ability to take action on its own. In particular, this involves the major organisational elements expanding the capacities for basic training while also making dates for initial reporting more flexible (on short notice, around 3,000 additional basic training slots were made available). Furthermore, more junior-ranking servicewomen and -men are to be appointed than actually needed, so that they can be trained to become specialists through qualification and career advancement and retained in the Bundeswehr for longer. Strengthening the operational service is equally important, especially in areas where it represents the core of task performance. In addition, training of the field units should be more focused on task performance going forward.

The task force considers reducing the dropout rate in the first six months to be the most urgent topic. In the Air Force, the dropout rate was nearly 16 per cent in the first five months of the year under review, and nearly reached 33 per cent in the Army. The causes of this are currently being investigated in the individual military major organisational elements under ministerial oversight so that measures can be developed to prevent dropouts based on the reasons discovered.

- *One measure to reduce the dropout rate is the appointment of servicewomen and -men to their future parent units one month prior to the beginning of their basic training. This enables them to make initial contacts and to create a connection to this unit as early as possible. This approach has been in testing since December 2022 as part of a pilot project at five locations involving 69 individuals. The Parliamentary Commissioner received positive feedback on this project during her troop visit to 293 Communication and Information Systems Support Battalion in Murnau in December 2022.*

A decision will be made about the continuation and expansion of the project once the results have been evaluated in 2023. Further individual measures which the aforementioned task force have identified and to some extent already implemented include monthly start-of-duty dates from 1 July 2022 and the placement of university dropouts in areas with a particular need. Moreover, the careers centres are providing more intensive counselling to applicants and officers are being appointed without a university degree.

These endeavours show that, overall, the Bundeswehr is making comprehensive and laborious efforts to recruit and retain personnel. However, there is still much room for improvement, above all in the design of procedures as well as **communication** with the people who the Bundeswehr hopes to recruit:

- *Via the “Sun Express” webcast, one interested individual with a reserve officer rating had applied for re-employment as an air transport pilot or fixed-wing pilot. He had a flight captain’s licence with nearly 12,000 flying hours. He accepted that he would have to travel from Kuwait to Cologne for the assessment process. It was not until the assessment had begun that he learned that only drone pilots were currently being appointed. A review of the submission showed that, due to the pandemic, the waiting time for type rating training for fixed-wing aircraft was as much as 18 months for already-appointed fixed-wing pilots. Despite a fundamental need in this area, the Bundeswehr would therefore not have been able to train the petitioner in the foreseeable future. Because he had applied as a flight captain, which also includes the drone pilot assignment, he was nevertheless invited for a selection procedure. To avoid this type of misunderstanding in the future, webcast applications have now been optimised so that applicants receive information about their planned potential assignments prior to being invited for an assessment.*

This measure seems sensible and will hopefully avoid disappointment and expenses as in the aforementioned case in the future.

If **waiting times** are too long, it could cause the mostly young applicants to lose interest in the Bundeswehr or to accept offers from other employers who react more quickly:

- *Following his successful assessment in February 2022, one applicant for an officer career path as a coordinator for the air mission control service was originally supposed to be appointed on 1 July 2022. He had been waiting since June for an air mission control test scheduled to take place in November 2022; however, three days before the scheduled test, it was cancelled due to a system outage that lasted until the end of the reporting year. In December 2022, he received immediate approval for an officer career in the surface-to-air missile service with a study programme set to begin on 1 October 2023. To bridge the gap until then, the Bundeswehr has initially appointed him to voluntary military service. He is supposed to receive a new date for the air mission control review once testing has been resumed.*

It is a miracle that this obviously well-suited applicant has not yet lost interest in the Bundeswehr and is prepared to accept a one-year delay.

The duration of the **aptitude assessment** procedure in the careers centres, including the medical examination, therefore also must be optimised. The suggestion of the Parliamentary Commissioner to carry out the examination for fitness for on-board duty at the careers centres prior to appointment rather than after assignment during the general military basic training persists:

- *It is common that newly recruited servicewomen and -men are assigned to seagoing units without having been deemed fit for on-board duty. The Bundeswehr argues that there is not sufficient medical expertise for a correspondingly comprehensive pre-employment examination; this would require dentists, ophthalmologist and occupational health professionals to be on-site. Moreover, by delaying the examination, the Bundeswehr hopes to remain flexible and keep options open for changing plans. However, it is unfortunate that the designated post is only occupied on paper for the entire period until it is determined whether the servicewoman or -man is fit for on-board duty.*

Pursuant to the requirements of the Navy, the medical assessment in the careers centres already carries out a screening for fitness for on-board duty. The examining physicians should take greater advantage of the one-day training course on determining fitness for on-board duty offered by the Naval Institute of Maritime Medicine in order to ensure more reliable results in the preselection assessment process. It is good that the Ministry of Defence is also reviewing the possibility of completely carrying out the examination for applicants for seagoing units prior to their employment going forward.

Re-employment and lateral entries

Re-employment and lateral entries are further important tools for countering the shortage of personnel. **Reemployment** allows the Bundeswehr to take advantage of the experience of former servicewomen and -men. In the year under review, 3,914 applied to return to the armed forces, a decline of 25 per cent compared to 2020 and 12 per cent compared to 2021. Of those, 1,570 started duty, and 481 of those with a higher rank. In spite of declining applications for re-employment, the success rate of applications rose from 26 per cent in 2021 to 40 per cent in 2022, and even reached 56 per cent among the junior ranks. With a total of 186, around 12 per cent of the re-employments involved individuals over 40 years old, thus representing a slight decrease compared to the two previous years. In addition, in 2022, four applicants were re-employed in officer career paths in the operational service with acceptance as career soldiers (2021: seven).

It is particularly aggravating for applicants when the Bundeswehr dangles re-employment with a higher rank in front of them during recruiting talks, but ultimately does not follow through down the road:

- *A qualified driving instructor was accepted for an appointment according to his wishes as a military driver with a ranking of warrant officer II from July 2022. The Bundeswehr subsequently determined that the civilian driving instructor qualification of the petitioner was not a recognised vocational qualification under the Vocational Training Act, which is why he could only be appointed as a private. Because the petitioner had placed his trust in the acceptance and already given up his previous livelihood, the Ministry of Defence made a decision in this individual case and ultimately employed him at the rank of warrant officer II as promised. This flexibility should serve as an example.*

With regard to **lateral entries**, the Bundeswehr benefits from individuals who already come with a vocational qualification or a university degree and professional administrative or business experience and therefore only need military training. Of the 9,928 applications in 2022 (2021: 11,598), the Bundeswehr appointed 1,141 as lateral entrants.

For the officer career path in operational service, the Bundeswehr was able to largely meet its needs with officer candidates who had finished a degree programme at one of the two Bundeswehr universities. Only a few applicants with specialised university degrees were therefore considered for a lateral entry in this career path (only 13 of 980 applications in 2022); instead, they were considered for the officer career paths in the officer specialist service. For instance, of 139 officer applications for the Medical Service, 54 were able to begin serving in the Bundeswehr by way of lateral entry. With the amendment to the Military Career Regulation, the Federal Government created a possibility to better tap of the potential of applicants who have obtained a university degree outside of the Bundeswehr which is not professionally relevant for the Bundeswehr. A new appointment option will allow them to be recruited at the highest candidate grade of senior officer cadet from 2022 onwards, if they meet the requirements of a general academic qualification for the officer career path in operational service. With a three-year military assignment pattern which corresponds to the training of the officer candidates in operational service without a university degree, these servicewomen and -men are able to occupy vacant operational service posts more quickly, while the regular officer candidates in operational service still have to complete a degree programme. In 2022, the Bundeswehr was able to (re-)appoint 91 servicewomen and -men in this way, of which 56 in the Army, 22 in the Air Force and 13 in the Navy. Of the 91 appointments, 28 had a master's degree and two had even passed the second state examination. Those appointed in this way primarily had degrees in the subjects of economics (29), technology (26) and humanities (19).

- *One sergeant with a civilian bachelor's degree in computer forensics criticised that his only option for changing career paths to become an officer was with an initial rank of senior officer cadet in operational service and came with a 13-year military service obligation. As a graduate with a bachelor's degree, the petitioner would have preferred to continue his service as an officer at the rank of lieutenant in the officer specialist service and to only commit to serve for a further three years.*

According to the ministry, if it had been in the interest of the military and had there been an available post, the petitioner could have been accepted for a transfer to the officer career path in the officer specialist service with the rank of lieutenant. Unfortunately, in this case, there was no need for a computer forensics specialist in this career path, which meant that only an assignment in the career path for officers in operational service with a rank of senior officer cadet was possible for the petitioner. The 13-year military service obligation was also based on the needs of the armed forces. Although the Bundeswehr was unable to grant the petitioner's wishes, it is not objectionable that the armed forces based this decision on need. It is pleasing that the so-called senior officer cadet model is not only used for the external lateral entry of individuals without prior military service, but also for active service personnel. This model enables servicewomen and -men who have obtained a civilian degree outside of their time in the Bundeswehr to be promoted to the officer ranks of operational service under attractive conditions, namely with the highest cadet rank of senior officer cadet.

Appointment of 17-year-olds

Since the Bundeswehr became a volunteer army with the suspension of compulsory military service in 2011, it has also been possible for 17-year-olds to become servicewomen and -men with the consent of their legal guardians. This regulation has come under criticism for many years, because minors are subject to special protections under international law. Russia's attack on Ukraine has once more shown the atrocities that come with war and underscores the urgent need to protect children and adolescents from becoming involved in hostilities. Because the Bundeswehr badly needs personnel, however, it does not want to do without the potential offered by 17-year-old school leavers. In this case, though, the Bundeswehr must take special care of the mental and physical health of these very young servicewomen and -men. Already, once they have completed basic training, young service personnel are not assigned to armed duties or sent on deployment abroad until they turn 18. It is a welcome development that the coalition parties of the Federal Government want to go a step further in protecting children and adolescents. In the **coalition agreement**, they decided that training with weapons and armed duties would be reserved for servicewomen and -men over the age of 18. The ministry and the field units are currently working on a concept for how underage service personnel can be initially integrated into the armed forces until they turn 18 and can undergo weapons training. An adjustment is planned to the previous process for recruiting and training minors in order to not endanger the personnel growth of the Bundeswehr on the one hand and, on the other, to implement the arrangement set out in the coalition agreement. The plan stipulates that, in the military major organisational elements of the Bundeswehr, minors are to be trained in accordance with individual needs from July 2023 in such a way that weapons training and armed

duties do not occur before the servicewoman or -man has reached the age of 18. The concept, which is still being negotiated with the personnel representation bodies, and its practical implementation will have to be monitored very closely.

In the year under review, the Bundeswehr appointed 1,773 (2021: 1,239) 17-year-olds (9.4 per cent of all those starting duty), an increase of 43 per cent compared to the previous year. Of those, 1,446 were men (81.5 per cent) and 327 were women (18.5 per cent). After the third month, 30 per cent had already reached the age of 18; after five months nearly half were no longer minors, with this figure reaching 72 per cent after eight months. There were no particular problems or anomalies among the 17-year-olds compared to the young adult servicewomen and -men. There were only 11 cases in 2022 in which 17-year-olds were accused of misconduct subject to disciplinary proceedings, for example the consumption of narcotics, assault or extremist comments. According to the assessment by the Bundeswehr, however, these cases are not attributable to the age of the accused. They do not deviate from the misconduct that occurs among adult servicewomen and -men.

However, a significant difference can be seen regarding the termination of their service status during the probationary period when comparing underage soldiers with those who are adults. As at 31 December 2022, 455 of the 1,773 17-year-old servicewomen and -men appointed during 2022 had terminated their service within the probationary period. This figure could still increase due to the possibility of revocation which has not yet expired for all 17-year-olds. It is noteworthy that nearly 26 per cent of all 17-year-olds starting duty – compared to only around 19 per cent of their 18-year-old counterparts – left the Bundeswehr within their probationary period. This means that the percentage of 17-year-olds who leave the Bundeswehr within the first six months is seven percentage points higher than 18-year-olds. Unfortunately, the Bundeswehr does not separately collect information from minors regarding their reasons for leaving.

There were hardly any petitions from minors during the year under review. However, the following case demonstrates how important it is to deal with underage applications carefully:

- *An applicant for voluntary military service who was only 16 years old at the time complained about her treatment in the careers centre. She felt bad during the interview with the psychologists in particular, and got the impression that they wanted to talk her out of applying. The assessors had informed her she had failed in the middle of the interview. To this day, she does not know what she did wrong. A review of the case revealed that the young applicant had quickly reached her limit and was overwhelmed by the assessment situation. Because the interview took place without witnesses, the exact course of the conversation could not be reviewed. The assessing psychologist ensured those reviewing the complaint that the interview was respectful and on equal footing at all times.*

Even though the careers centre of the Bundeswehr properly carried out the selection process, which applies to everyone in equal measure, it can make a strongly negative impression, in particular with especially young and inexperienced applicants. The **sensitive treatment** of minors should absolutely be guaranteed. The joint service publication on young people and the Bundeswehr does not contain any regulations for conducting interviews in a more careful manner that takes the age of the applicants into account. The Ministry of Defence should consider an addendum to the joint service publication in this regard. In principle, however, the recruitment of minors must remain an absolute exception due to their increased need for protection.

Age limit

Section 48 of the Federal Budget Code stipulates an upper age limit of 40 years old for an appointment as a soldier or for changing the service status to that of a career soldier.

- *In the year under review, numerous petitioners complained that they had been disadvantaged due to their age and that they no longer had an opportunity for a career with the Bundeswehr. These complaints were in regard to appointments or reappointments as well as changes of status from soldier to career soldier.*

This is understandable from the individual perspective of those who consider themselves healthy and fully mentally and physically capable of carrying out their responsibilities in the armed forces. However, the determination of an age limit does not represent **age discrimination** not permissible under the constitution. This has been confirmed by Germany's highest courts. When appointing servicewomen and -men, the Bundeswehr is permitted to use age as a criterion. The age limit serves the purpose of ensuring the financial viability and the functionality of the pension system for service personnel and ultimately the public budgets. In addition, age is a

factor in the physical aptitude of servicewomen and -men in particular. Moreover, the maintenance principle must be taken into account in a particular manner because, on average, career soldiers retire in their mid 50s and can reach the maximum pension level earlier in accordance with the law governing military pensions.

There are **exceptions** to the age limit, for example in the acceptance of career soldiers when there is an extraordinary shortage of equally suitable younger applicants and the acceptance brings a significant advantage for the Federal Government. A look at the figures shows that personnel management makes use of this exception quite often. While around 24 per cent over-40-year-old applicants with a rank of sergeant were successfully accepted as career soldiers in 2021, and around 12 per cent in 2022, the acceptance rate is even as high as 41 per cent among the officer career category (as at 31 July 2022). The chances of being appointed as a soldier for the first time or for re-employment at over 40 years old are obviously much worse. In 2022, only 133 of 1,368 such applications were successful, representing a rate of around 9 per cent (as at 31 July 2022). The requirements for exceptional circumstances allowing an appointment or a change of status after turning 40 years old are very complex in their details, controversial in terms of under budgetary and pension legislation and have not been conclusively clarified by court rulings, in particular as regards their application to servicewomen and -men. The Ministry of Defence is aware of the lack of clarity surrounding the age limit and, at the end of 2021, had already announced it would create a handout with information coordinated between the ministries. Regrettably, this handout is still not available. However, following a corresponding decision of the Federal Administrative Court, in May 2022 the ministry granted the Federal Office of Bundeswehr Personnel Management general authority to convert the employment status of temporary-career volunteers to that of a career soldier even after they had turned 40 years old, provided that the total commissioned service time in the current status reached at least 15 years by the time of retirement. So in these cases, subject to further requirements such as medical suitability, the status of a temporary-career volunteer over the age of 40 can be converted to that of a career soldier without this question having to be presented for a decision to the Federal Ministry of Defence in each individual case.

Petitioners often complained that they had not been sufficiently informed about the age limit in the careers centres. According to information from the ministry, these service personnel are notified in writing upon their assignment that it will not be possible for them to be accepted as a career soldier later on. The careers centres are aware of the problem of appointing individuals who are **40 years old or older**, and it is the subject of various training courses. In addition, older applicants are always referred to section 48 of the Federal Budget Code.

A considerable number of petitions give another impression, however. The servicewomen and -men appear to be completely surprised when confronted with their age as a determining factor when applying for a change of status over the course of their career. With the knowledge of the age limit and the associated detrimental factors in career decisions, many of them would not have applied to (re-)join the Bundeswehr. The Bundeswehr would thus do well to discuss the age limit openly and in concrete terms, as well as to explain the occasionally complex exceptions to this limit in such a way that those affected are able to get a realistic picture.

Personnel retention

Re-enlistments

Extending the service period of temporary-career volunteers is an important instrument in personnel retention and meeting needs with regard to personnel. Re-enlistment is possible if there is an official need and the Bundeswehr has not yet filled the corresponding post by assigning another servicewoman or -men. Because many servicewomen and -men have already extended their periods of service in recent years and the personnel body is not supposed to become too old, the interest of both sides in re-enlistments is trending downward.

By the end of 2022, 7,080 temporary-career volunteers had extended their service period (2021: 7,590; 2020: 8,390), with the large majority (4,502) coming in the junior ranks, and only 1,916 in the junior and senior NCO and 662 in the officer career paths. The average length of extension is also declining, coming in at 3.3 years in the year under review after a figure of 3.7 years in 2021. At nearly 4.7 years, sergeants re-enlisted for the longest periods, and officers extended for the shortest periods at nearly 2.7 years. Re-enlistment periods among the junior ranks averaged 2.9 years.

It is frequently the case that the post of a servicewoman or -man has already been filled by the time they express an interest in re-enlistment, as the Bundeswehr often makes decisions with respect to filling vacant posts years before the respective service personnel leaves due to the lengthy lead times for training. The local personnel managers should take care to inform the servicewomen and -men affected about the **subsequent filling** of their posts in a timely manner. This would allow the respective service personnel to deliberate whether they would like to remain at their post. The specialist personnel in the parent units are aware of the necessary lead times for training new personnel. Before the predecessor leaves, the Bundeswehr plans three months to fill a vacant post in the junior ranks, two years for an NCO specialist vacancy and three years for sergeant vacancies. This lead time can be significantly longer, however, due to a need for comprehensive training in certain individual careers. This is why, in NCO careers with an overall critically low level of personnel or at locations which are difficult to staff, the local personnel managers ask whether the servicewoman or -man currently at the post is interested in a re-enlistment immediately before the post is advertised as a vacancy. They also point out that, if interest is expressed later once a successor has been assigned, they may only be able to re-enlist at another post, potentially at another location or in some cases not at all. This practice is laborious and demands a lot of planning and communication by personnel management and the personnel managers in the field units. However, it is worth the effort in the interest of good leadership as well as with regard to successful personnel retention.

Bonuses

The Bundeswehr has been using financial incentives successfully for years to recruit temporary-career volunteers to enlist or re-enlist in understaffed areas. From 1 January to 31 December 2022, it budgeted around EUR 11.8 million for enlistment bonuses and paid out nearly the entire amount – namely EUR 11.5 million. From 1 January 2022 to the end of the year, it also budgeted around EUR 3 million in bonuses for the recruitment and retention of career soldiers and paid out around EUR 2 million to this end.

For 2022, the Ministry of Defence defined 186 understaffed areas (2021: 274) in which a bonus can be paid for the **enlistment or re-enlistment** of temporary-career volunteers assigned there. By the end of the year under review, the Federal Office of Bundeswehr Personnel Management had granted 40 bonuses for enlistments in 53 understaffed areas and 365 for re-enlistments; however, of those, only 54 enlistment bonuses in 19 of these understaffed areas had already been paid out, eight bonuses for enlistment and 46 re-enlistment bonuses. The other bonuses from 2022 will be paid out in part years later, depending on the fulfilment of requirements (completion of training, determination of the ultimate period of service and occupancy of a post entitled to a bonus). The average amount of an enlistment bonus for officers is EUR 15,300, EUR 21,400 for junior NCOs and around EUR 5,000 for the junior ranks. The amount depends on the degree of shortage in the respective career, the salary group, qualifications and the length of the service obligation.

Temporary-career volunteers who wish to become a career soldier can also receive a bonus, because they commit to serving in the Bundeswehr for longer when they **change their status**. The requirements for granting a bonus as part of a change of status are lower compared to those for temporary-career volunteers who extend their period of service. Granting a bonus does not necessitate an assignment in a predefined understaffed area. Instead, it is enough that the service personnel gained allows the Bundeswehr to fill a post in accordance with its requirements or to ensure the performance of functions in certain speciality areas. For a change of status, the Bundeswehr was able to recruit 19 senior NCOs and ten officers with the payment of a bonus in 2021. In the year under review, a total of 127 servicewomen and -men received bonuses for a change of status, of which 58 were officers and 69 were senior NCOs. The average bonus amount was around EUR 19,000 for both career categories. In only one case was the Bundeswehr able to persuade a career soldier to remain in an understaffed area by granting a bonus of around EUR 26,000.

This year, the Parliamentary Commissioner received several petitions in which temporary-career volunteers who had been appointed to career soldiers criticised the **reclaiming** of bonuses for personnel retention which had already been paid out:

- *They had originally received the bonuses due to their extension of their service period as a temporary-career volunteer in an understaffed area. To increase the attractiveness of the bonuses, the Bundeswehr had already begun paying out partial amounts shortly after re-enlistment, although the beginning of the service period extension was still far in the future. However, personnel management had neglected to inform those affected that these amounts would have to be paid back if they changed their status in the interim. The*

amounts which had to be repaid were in the several thousands in many cases, and even EUR 23,000 in one case. There was also uncertainty among the petitioners about whether they would be reimbursed for taxes they had paid on the bonuses. In their view, only a transfer out of the understaffed assignment or an early termination of their employment would justify the reclaiming of the money. According to the Ministry of Defence, this concerns 155 cases, many of which are currently in complaints proceedings. It essentially argues that the petitioners had lost their entitlement to the bonus upon their appointment to career soldier, because the re-enlistment as a temporary-career volunteer and thus the reason for the bonus no longer existed. Thanks to their lifelong commitment, career soldiers have the security of a pension, while temporary-career volunteers bear the risk of not having a pension once they leave the Bundeswehr. An additional financial incentive to retain career soldiers is therefore not necessary. For reasons of equity, however, the Bundeswehr has in the interim withdrawn those reclaiming notices against which the affected individuals have appealed in order to make decisions on a case-by-case basis. In some cases, the Bundeswehr has already issued a new reclaiming notice in which the amount paid up until the appointment as a career soldier is granted and only the amount paid after the change of status is required to be repaid.

The servicewomen and -men placed their trust in the granting of the bonus and included the funds in the financing of their living expenses. There had been no clarification about the risk of an obligation to repay the funds in the event of a change of status. Moreover, the purpose of the financial incentive – namely to retain a servicewoman or -man in an understaffed assignment for longer – was also fulfilled after a change of status. In light of this, the Bundeswehr must make use of the discretion afforded to it by legislation in favour of the individuals concerned and forgo reissuing the reclaiming notices.

Transfer to career soldier status

The Bundeswehr accepted a particularly high number of sergeants – namely 2,894 – into the status of career soldier in 2021 due to the selection conferences being cancelled in 2020 on account of the pandemic, and thus carried out a total of 3,558 changes of status across all career paths. However, this figure normalised during the year under review. In total, the Bundeswehr had appointed 3,190 career soldiers by the end of 2022, 1,669 of which were in sergeant career paths. The career soldier selection conferences for NCO specialists took place for the first time in 2021. Due to pandemic-related restrictions and uncertainties about the procedure during the initial run, the Federal Office of Bundeswehr Personnel Management did not conclude the selection conferences, with a total of 4,280 participants, until mid December rather than October 2021. This is why many of the 1,052 for whom a positive decision had been made were forced to wait a long time for the result. Regrettably, they were not provided with any information in the interim about the status of the procedure. Only five of them were able to be appointed as career soldiers before the end of 2021. By the end of December 2022, 1,045 NCO specialists had received their letter of appointment after fulfilling all prerequisites. It is hoped that the next selection conferences for NCO specialists will take place without delays and those individuals awaiting a decision on their application will be informed in a timely manner.

In many speciality series, the shortage of junior NCOs is particularly significant. As such, there is an interest in retaining this personnel group over the long term. It is therefore a welcome development that the Federal Government, with the amendment to the Military Career Regulation in 2021, made it possible to accept NCO specialists into career soldier status. As part of the first selection procedure, the Bundeswehr chose a total of 1,052 NCO specialists for this; going forward, around 360 acceptances are planned each year. The interest in a **change of status** is high, with a conversation rate of one acceptance per four applications. The Bundeswehr benefits from the comprehensive experience of this specialist personnel and lowers the need for regeneration. Nevertheless, the drastic shortage of personnel in this career path requires additional efforts.

Higher education

Each year, the Bundeswehr plans the scope of appointments in operational service for officer candidates with a university degree based on the respective need. It determined a scope of 1,370 appointments for the year under review. The higher-education capacity was therefore high, similar to the previous year (2021: 1,365). In addition, the Bundeswehr plans a flexible number of spots at the Bundeswehr universities so that it can respond quickly to changing circumstances if, for instance, it needs more officers for a certain degree programme in an understaffed area. This figure was 550 in 2022 (565 in 2021). The two Bundeswehr universities currently offer a

total of 26 courses of study. In the fourth quarter of the year under review, 1,312 servicewomen and -men began a course of study to obtain a bachelor's degree (2021: 1,363), most of them in business administration, followed by the subjects of psychology, economic and organisational sciences as well as political and social sciences. The lowest numbers of applicants were in the subjects of cultural studies, engineering science and mathematical engineering.

Each year, students also drop out of their bachelor programme for various reasons. This figure was 233 students in the year under review (2021: 305). The highest **dropout rates** were in the subjects of mechanical engineering, management and media, economic and organisational sciences and business administration. In times when there is a shortage of new recruits, the Bundeswehr cannot do without these servicewomen and -men, especially as they have already demonstrated their suitability as an officer, which is why they can apply for a re-engagement in a specific career path as an officer without a degree. However, because the principle of academisation of officer careers in operational service is not to be undermined, the Bundeswehr re-engages only a small percentage of them, in particular those who are highly suitable for an officer career. For 2022, as in the previous year, the Ministry of Defence dispensed with setting an upper limit for re-enlistments to make use of this opportunity to drive needs-oriented growth in the armed forces. In 2022, the Bundeswehr was only able to re-engage six servicewomen and -men (2021: 56) as officers in operational service who had dropped out of their degree programme, four in the Navy and two in the Army.

An application for re-engagement does not always coincide with dropping out of higher education. Often, the individuals concerned do not opt for a re-engagement until some time after they drop out of their degree programme. In addition to need, critical factors for a re-engagement include the vote of the disciplinary superior, the interests of the servicewomen and -men and their suitability, capability and performance for the desired career path. In 2022, using a targeted and personal approach, the Bundeswehr was able to re-engage an additional 48 servicewomen and -men who had dropped out of their degree programme in recent years and whose term of service would have ended in 2022. It was also able to re-engage one university dropout whose application it had rejected in 2021. This flexible approach is to be expressly welcomed.

In the previous year, within the framework of its personnel strategy, the Ministry of Defence had already begun to develop new career models that are intended to enable the so-called **specialist careers** in the respective major organisational element. These are primarily geared towards graduates of scientific or technical degree programmes, but they can also be made available to officers with a different university degree or without one, depending on the design of the specialist career. In particular, the goal of the specialist careers is to open up attractive career opportunities for specialists, to increase the career satisfaction of officers and to possibly recruit them to become career soldiers, for example by the career establishing professional links between their degrees and their duties. To date, the Bundeswehr has offered many degree programmes purely for reasons of attractiveness, so that graduates are able to use their higher education for their professional lives after their term of service. The Bundeswehr itself does not generally make use of the specific university degree of the graduates for specialist tasks. With regard to the range of responsibilities in the Bundeswehr, it naturally makes use of officers in operational service as military leaders or in staff and teaching assignments. This is a source of frustration for some graduates:

- *The Parliamentary Commissioner repeatedly received the understandable wish from psychology students at the Bundeswehr University Munich in particular that they want to be able to make use of their technical expertise for the field units following their course of study.*

The Bundeswehr should support the young graduates and create and highlight prospects for a specialist assignment both during as well as after their military service obligation.

The General Regulation on the assignment pattern of officers in operational service, which is not yet in force, sets out three **career models** (leadership, specialist and project careers). The major organisational elements are to use these models as a basis for developing and designing certain specialist careers in their respective fields. The Bundeswehr should quickly implement the introduction of the specialist careers and, in doing so, also consider the psychology career branch. An increase in career satisfaction of the graduates interested in specialist duties will pay out over the medium term in the form of longer military service commitments of these officers.

Postponement of retirement

In the year under review, the Bundeswehr retired a total of 1,605 career soldiers. The law distinguishes between entry into retirement once reaching the general age limit (section 44(1) in conjunction with section 45(1) of the Act Relating to the Legal Status of Military Personnel) and retirement after reaching the special age limit (section 44(2) of the Act Relating to the Legal Status of Military Personnel). For captains, lieutenants and second lieutenants, for instance, the special age limit is 56, while the general age limit is 62. The special age limit for regular NCOs is 55. The regular time of retirement is the special age limit. Of the 1,605 servicewomen and -men, 378 made use of the ability to postpone their retirement by mutual agreement with the Bundeswehr, and did not enter retirement until they surpassed the special age limit. This process allows the Bundeswehr to retain qualified and experienced personnel for longer, thereby reducing vacancies. While the average retirement age had regularly increased in the preceding years and reached 57.49 years old in 2021, it stagnated at 57.50 years old in the year under review.

The procedure for postponing the date of retirement by mutual agreement has proven its value. The Bundeswehr was able to achieve the desired personnel growth without career soldiers having to serve until they reached the general age limit, unless they desired to do so.

The procedure for the postponement of retirement by mutual agreement does not always go smoothly, as demonstrated by the two following examples:

- *The Bundeswehr neglected to process a corresponding expression of interest of a warrant officer II, and made binding arrangements for his post to be filled by a servicewoman. The petitioner was only able to continue to serve beyond the special age limit because the scheduled successor was not yet available to occupy the post at the time.*
- *In June 2021, a warrant officer I whose term of service was set to end in March 2026 submitted a request to extend his service beyond the special age limit. He received a written notification that a decision was expected to be made as part of a conference in December 2021. However, not until his petition reached the Parliamentary Commissioner in March 2022 did he receive a notification from the Bundeswehr Personnel Office that it had approved the request to extend his period of service.*

Making the Bundeswehr more attractive for existing personnel

Time and again, complaints can be heard from long-serving existing personnel that they were neglected in comparison with new recruits. Warrant officers II, in particular company sergeants at training facilities, criticised in their petitions and during troop visits that there was a lack of warrant officer I posts.

- *A member of the Air Force Engineering Training Centre in Faßberg made the comparison to so-called first sergeants in many units, whose responsibilities do not differ greatly. In his view, the effort required to see to as many as 300 revolving training course participants is even greater than for an unchanging permanent staff. The Ministry of Defence sees no need to make a blanket increase to the pay level of company sergeants with a warrant officer II ranking. The Bundeswehr intentionally planned posts for company sergeants at the warrant officer II and warrant officer I pay levels. The allocation is the responsibility of the major organisational elements, which take into account the special features of the respective activity as well as further criteria such as relationship to deployment and number of soldiers seen to. The prominent leadership position of the first sergeants is expressed primarily through the granting of a functional allowance for all company sergeants.*

The current practice of the Bundeswehr for determining the pay level of posts is not objectionable under organisational law. With a view to the attractiveness of the Bundeswehr for experienced existing service personnel, however, as many company sergeants as possible should be allowed to wear the rank of warrant officer I as leaders of the NCO corps. The relevant training facilities and command authorities should therefore take a close look at every post which comes into consideration and upgrade it within the framework of their abilities under organisational law to honour the special leadership role of the company sergeants, not only through higher military pay but also by making this upgrade visible on the epaulette.

Since 2021, there have been two new junior ranks in operational service: **Korporal** (“corporal”) and **Stabskorporal** (“corporal”). Junior-ranking servicewomen and -men with these ratings receive A 6 military pay

or A 6 military pay with functional allowance. The Bundeswehr has therefore created interesting opportunities for development as well as attractive pay for junior-ranking service personnel. Unfortunately, during the pilot procedure through to December 2022, it selected only 726 lance corporals to be promoted to a corporal post, although a total of 1,450 posts had been announced. Too few servicewomen and -men had submitted a request or had been recommended by their superiors. In addition, some of the applicants had not met the requirements.

It is therefore expressly welcome that the Ministry of Defence developed a standard procedure in the year under review based on what was learned during the pilot procedure, with the involvement of all military major organisational elements and the Federal Office of Bundeswehr Personnel Management. Accordingly, the Bundeswehr now announces corporal posts to be filled on an occasion-by-occasion basis before the scheduled filling date rather than on a central application date. The announcement is made by the respective outfit or organisation to which the post is allocated for the members of the outfit or organisation. Moreover, the evaluation period for the recommended servicewomen and -men is now only six months long. With these changes to the procedure, the Bundeswehr hopes to fill all of the existing posts.

- *One serviceman criticised the introduction of the new junior ranks in general, because, in his view, it reduces the pay difference between the junior ranks and the non-commissioned officers too greatly. The Ministry of Defence acknowledges that, within the existing military pay structure, there could be constellations which, depending on their pay grade, servicewomen and -men with lower ranks could earn amounts that do not differ greatly from or even exceed the pay of servicewomen and -men who outrank them. However, it must not be forgotten that this is the result of a difference in pay grade and therefore a difference in service experience.*

Functionally appropriate military pay is demonstrated by a sufficient difference between the salary groups, in particular in determining the final base salary. As at 1 April 2022, the final base salary for level 8, including any functional allowance, for a corporal (*Stabscorporal*) was EUR 3,089 and EUR 3,299 for a corporal (*Stabsunteroffizier*). In particular servicewomen and -men in the junior NCO careers justifiably ask themselves why they underwent demanding training, often with long absences from their homes, only to then initially earn less and, over the course of their career, to hardly earn more than their fellow soldiers in the highest of the junior ranks. The new military pay structure is not a good sign in light of the personnel shortage in the NCO careers especially.

Although the junior ranks do not need a school leaving certificate to carry out their duties, the Bundeswehr offers them the option of subsequently earning their **lower or intermediate secondary school leaving certificate** to increase the attractiveness of serving in the field units. In the year under review, of the approximately 51,700 soldiers in the junior ranks (temporary-career volunteers and military service volunteers), around 2,050 servicewomen and -men did not have a lower secondary school leaving certificate. This corresponds to nearly 1 per cent of all servicewomen and -men in the Bundeswehr and around 4 per cent of all junior-ranking personnel. The prerequisite for their academic qualification is that they have a status of temporary-career volunteer and are seeking a transfer to a higher-ranking career. Those in voluntary military service must therefore first re-enlist as temporary-career volunteers prior to qualification. In addition, they must also have already acquired the necessary qualification to exercise their respective speciality activities of the post. Participants in the qualification must also successfully undergo the aptitude assessment procedure for the career path they are seeking along with the subsequent specialist and military training. In 2021, 23 of the 24 participants in their respective six-month qualification process earned their lower secondary school leaving certificate. Only six were successful in the first half of 2022 and, due to the number of participants being too low, no such training course took place in the second half of 2022. The Ministry of Defence would therefore like to raise awareness for this training measure by again providing information about it in the internal Bundeswehr media.

Service personnel in the junior ranks who have a lower secondary school leaving certificate and who are seeking to transfer to the sergeant career path can also obtain their intermediate secondary school leaving certificate by taking part in a one-year training programme at a Bundeswehr School of General Vocational Education. In 2021, 178 servicewomen and -men made use of this opportunity, and 131 of those were successful. A total of 114 service personnel took part in the qualification programme in the year under review. These academic qualification programmes are a successful instrument for retaining and developing personnel who are willing to move up the ranks. However, there is room for improvement in the number of participants.

The Bundeswehr's internal labour market

With an increasing shortage in skilled workers and challenges in recruiting personnel, the Bundeswehr aims to tap the potential of former servicewomen and -men by keeping them on staff as employees or civil servants. If they are retained within a year, this is considered to be a part of the Bundeswehr's internal labour market; if they rejoin later, this is then considered to be re-employment. However, taking a look at the absolute figures on continued employment via **change of status** is sobering. In 2022, 11,200 temporary-career volunteers left military service (2021: 9,716), 251 of which were taken on by the Bundeswehr under a civilian employment relationship (2021: 226). Of this figure, 85 were directly hired as civil servants and 70 as non-civil-servant public service employees, and 63 began preparatory service for a career as a civil servant and 33 servicewomen and -men entered a civilian training programme. These are very low numbers compared with the total of number of appointments in defence administration: in 2021, the Bundeswehr hired 2,032 civil servants (1,130 in preparatory service and 902 directly to service), 3,810 non-civil-servant public service employees and 1,363 trainees – a total of some 7,200 individuals. Only around 3 per cent of them were former servicewomen and -men. In the year under review, the Bundeswehr hired 1,889 civil servants (972 in preparatory service and 917 directly to service) along with 3,224 non-civil-servant public service employees. In addition, 1,390 trainees began their training programme. This means that just under 4 per cent of the 6,500 new hires were former service personnel – a slight increase of 1 per cent at any rate.

Regrettably, the Bundeswehr still does not collect statistics regarding how many former servicewomen and -men apply for civilian positions within the Bundeswehr. These figures were last collected in 2016, when roughly 12 per cent were interested in continuing their employment with the Bundeswehr with a different status. As part of **e-recruiting**, the option of entering this information into the system has existed since the end of 2019. However, the specific selection field has not been automatically analysable for three years now. This function is supposed to finally be active in the first quarter of 2023. It is incomprehensible that such a small technical issue can take several years to resolve, especially because this analysis plays an important role in assessing the needs of the Bundeswehr's internal labour market.

The fact that transitioning to the civilian area of the Bundeswehr is still an exception is surely attributable to the hurdles associated with this transition. Pursuant to Article 33 (2) of the Basic Law, the principle of merit applies to access to public offices, which is why servicewomen and -men are required to apply in the same way as all others interested in civilian positions in the Bundeswehr advertised both internally and externally. As part of this process, their prior military service, knowledge and experience generally only give them an advantage in terms of their capability. There is no legal preferential treatment for a change of status:

- *One staff sergeant with an electronics maintenance assignment and two years left in his service period was seeking to transfer to a civil servant position in the intermediate technical service in the same organisation. He was prepared to waive his entitlement to career advancement measures as part of the transfer and assumed that his status as a temporary-career volunteer could simply be converted to civil servant as part of the Bundeswehr's internal labour market. However, the Federal Office of Bundeswehr Personnel Management informed him that he could only change to a civil servant position if this was associated with preparatory service and a civil service appointment subject to revocation. The preparatory service could be funded as vocational training within the framework of the entitlement to the Bundeswehr Vocational Advancement Service. Direct entry into service without career training was not possible until the end of his service period, and this would be associated with the regular selection process on the basis of a public job posting. If he passed the selection process, his soldier status would be terminated and the civil servant status would be newly established. To avoid the uncertainty of a seamless transfer at the end of his service period, the Federal Office of Bundeswehr Personnel Management suggested that he take part in a selection process earlier and, should his application be accepted, that he submit a request to shorten his period of service. His chances are good due to his qualifications and his professional experience.*

The framework conditions for a change of status to the civilian side are met with a lack of understanding on the part of the servicewomen and -men, in particular when it involves positions that are equivalent to their former posts in terms of duties and qualifications. The Federal Ministry of the Interior and Community, which is responsible for the matter, considers it to be unconstitutional to give legal preference to service personnel. In the opinion of Professor Dr Dr Ulrich Battis, renowned expert in state and constitutional law, a legal provision giving preference to (former) temporary-career volunteers in the transition to civilian status in the Bundeswehr or other agencies over other applicants with the same aptitude, professional achievements and capabilities is

constitutionally acceptable and even required by law. Fortunately, the **coalition agreement** of the governing fractions aims to make it easier for temporary-career volunteers to transition into defence administration. The Federal Office of Bundeswehr Personnel Management has taken this as an opportunity to examine the possibilities for application and the limits of the legal framework of the Bundeswehr's internal labour market. It intends to review the extent to which internal Bundeswehr regulations on the application of legal standards can be adapted. This should now be carried out quickly and across all ministries in the spirit of finding a good solution for the servicewomen and -men.

There are already examples of how the Bundeswehr is exhausting its possibilities for action to retain motivated personnel in its divisions:

- *Near the end of his service period, one petitioner applied to become a civil servant in the higher technical administrative service of the Bundeswehr. The Federal Office of Bundeswehr Personnel Management responded to his early enquiry that this would be possible on the basis of his qualifications. In fact, however, these were only sufficient for an appointment in the intermediate technical administrative service. The petitioner rejected the offer to be hired as an employee. In response to this, personnel management downgraded the post in question from the A 10 salary group (higher intermediate service) to the A 9 salary group (intermediate service), so that the petitioner could begin his service there following a successful application process.*

To date, the Bundeswehr has primarily relied on targeted information, communication and counselling to retain experienced personnel. The “Internal Labour Market 2.0” concept serves as the foundation. This is meant to address soldiers, employees and civil servants, as well as trainees at the training centres and workshops, and has defined seven action areas which – also due to the pandemic – have not all been implemented. The central **point of contact for personnel retention/internal labour market**, which was established at the end of 2019, was also well received by interested individuals in the year under review with an average of 20 to 30 customer contacts per month. In addition, the Bundeswehr put into effect the General Regulation on information and communication measures at the beginning of 2022 as part of the internal labour market concept. The goal is to comprehensively inform all target groups of the internal labour market in a tailored manner about the options for subsequent employment during counselling in the careers centres. Superiors in the major organisational elements and the specialists in personnel management and the Vocational Advancement Service are also to undergo special training courses to enable them to provide sound advice about possible continued employment after the end of fixed-term employment. Moreover, the intention is to address outgoing temporary-career volunteers specifically on a needs basis and to inform them early on about individual and attractive development opportunities in civil service in the Bundeswehr. The focus of these efforts is on understaffed areas. In February and October of the year under review, for instance, the Bundeswehr held a live webcast to personally address outgoing senior officers of the Medical Service and provided information about (specialist) physician positions expected to become vacant by 2025. As a result, 15 servicewomen and -men applied, of which four are now working in civilian posts in the Medical Service and health science services as of the end of 2022. A follow-up event is supposed to take place in 2023 based on need.

Conscientious objection

While there were only 209 requests for conscientious objection in 2021 (2020: 142 requests), this figure amounted to 1,123 in the year under review. The numbers of requests were thus well above the prior-year figures, with 617 coming from persons without prior military service (2021: 23 requests; 2020: 22 requests) and 271 coming from reservists (2021: 10 requests; 2020: 12 requests). At 235, the number of requests from active servicewomen and -men increased only slightly by comparison (2021: 176 requests; 2020: 108 requests). We can only speculate about the reasons ultimately responsible for the submission of requests – whether it has to do with the illegal war in Ukraine, for example – because the Federal Office of Family Affairs and Civil Society Functions does not collect statistics in this regard. It can be determined in any case that the increase primarily results from the requests submitted by persons without prior military service and reservists.

Performance evaluation system

In 2021, the Bundeswehr introduced a new military performance evaluation system and, effective from 31 July 2021, applied it for the first time to the officers and NCOs in operational and specialist service with A 5 to A 7 post allocations. The significance of this reform is great because the official performance evaluation is the main foundation for career-advancing selection and assignment decisions or the definition of promotion sequences. The prior performance evaluation system needed to be reformed because the inflation of top grades in recent years had made it nearly impossible to differentiate between those assessed. In the new system, the letters from “A” (top mark) to “G” (worst result) serve as the assessment standard. For the first three levels, there are **benchmarks** defining the maximum proportion of possible top grades within the comparison groups: “A” = 5 per cent, “B” = 10 per cent, “C” = 15 per cent. The letters “D” and “E” are meant to represent the standard case or average performance. It is possible to exceed these benchmarks for the “A” to “C” ranges in the interest of individual fairness, but this should not exceed five percentage points for each grade.

In the year under review, the Parliamentary Commissioner received around 50 petitions from servicewomen and -men, as well as superiors carrying out evaluations, which expressed criticism of the new performance evaluation system.

- *The petitioners brought up three main points of criticism. Many of them felt that their grade of “D” was too harsh and excluded them from opportunities for advancement. Others complained that being in a small comparison group meant worse odds of receiving a good grade as opposed to being in a large one. In some cases, the petitions involved the service personnel in question learning about a downgrading during the consultation process.*

As expected, the introduction of the new performance evaluation system led to initial uncertainty for many superiors on how to apply it when carrying out evaluations. However, the Bundeswehr was able to quickly remove some stumbling blocks, as illustrated by the following example:

- *One staff sergeant complained that he was not able to take part in the selection procedure for career soldiers in the year under review on account of the improper application of the new cut-off date for ad hoc performance evaluations. Two regularly scheduled performance evaluations are generally required to take part in this selection procedure. The calculation of the cut-off date for the second ad hoc performance review was incorrect in the case of the petitioner as a result of uncertainties regarding how to proceed when the new performance evaluation system was introduced. It is encouraging that the Bundeswehr remedied the situation quickly and enabled the petitioner to be considered as part of the selection procedure for career soldiers.*

The first round of performance evaluations with a cut-off date of 31 July 2021 was largely concluded during the year under review and the Ministry of Defence assessed it on this basis. It can be concluded from this that those with overall responsibility complied with the benchmarks for the grade of “A”, “B” and “C” at all levels. The Bundeswehr was therefore able to achieve the primary objective of the reform, namely slowing the inflation of top marks.

Most of those evaluated received a grade of “D”. This grade is in the upper level of so-called normal performance and means that the servicewoman or -man fully met, and in some cases even exceeded, the requirements. According to the ministry, it is possible that service personnel with a grade of “D” still have the opportunity to be selected for promotion. The ministry is not able to make a blanket statement for individual personnel decisions about the specific overall evaluation required to be **selected for a promotion** to a certain post, because the mandatory requirements to be chosen for a promotion can vary greatly. However, according to the ministry, it is possible to be chosen for a promotion with an overall grade of “D”, in particular for very specific job profiles which only a few servicewomen and -men fulfil. The situation for promotion decisions made in the selection conference format is similar. In 2022, for example, the Bundeswehr selected four officers with this grade for a promotional assignment to a commander/commandant post, and, as part of the 2022 selection procedure, ten officers in the Army with an overall grade of “D” were chosen to participate in National General/Admiral Staff Officer course (NGASOC). The results of the assessment of the first round of performance evaluations show two things: on the one hand, the main purpose of the performance evaluation system has been achieved, namely to enable personnel management to carry out a selection of the best within the meaning of Article 33(2) of the Basic Law based on the performance evaluations. On the other hand,

slowing the inflation of grades fortunately leads to servicewomen and -men with grades outside of the apportioned spectrum of “A” to “C” definitely having a chance to be chosen for a promotion.

However, performance evaluations are not solely intended to enable service personnel to be selected for promotion. Rather, they are also meant to provide a realistic and honest reflection of the aptitude, performance and capability demonstrated during the evaluation period. Although the Bundeswehr achieved this in the awarding of grades “A” to “C”, the differentiated assessment for the majority of servicewomen and -men with the grades of “D”, “E”, “F” and “G” was less successful. For example, among officers in operational service with A 11 to A 12 post allocations, around 52 per cent of those evaluated were given a grade of “D” and only around 8 per cent the grades of “E”, “F” and “G”. If nearly all of those in the non-apportioned range find themselves with a grade of “D”, the Bundeswehr is not accomplishing its goal of providing differentiated and honest feedback to the servicewomen and -men. It is surely difficult for evaluating superiors to regularly attest to an average or even below-average performance in the “D” to “G” range of their subordinate servicewomen and -men. However, with a view to providing an honest assessment, differentiating among their personnel can certainly be reasonably expected of them as a duty of leadership.

Fortunately, the assessment of the first round of performance evaluations also showed that members of neither smaller nor larger **comparison groups** had a disadvantage over the respective other category. According to the ministry, there were only isolated cases where the grade benchmarks were exceeded, and these were the result of the fact that, in some major organisational elements, there were comparison groups with fewer than 20 individuals even at the level of those with overall responsibility. In individual cases, this circumstance led to the benchmarks for overall evaluations being minimally exceeded. This is particularly the case for medical officers, where, for instance, a total of 10.9 per cent the comparison group for the A 14 pay grade received an overall grade of “A”.

By contrast, the criticism from some petitioners that their overall evaluation had been downgraded after the first draft was accurate. However, this **downward adjustment** as in line with the prescribed procedure, because those with overall responsibility – that is, the chiefs of service and the heads of the major organisational elements – must ensure, in accordance with performance evaluation regulations, that the benchmarks are complied with for their entire area of responsibility. If this was not the case, those with overall responsibility for the respective area determined the benchmark which was subsequently to be implemented in the subordinate area of responsibility. According to the ministry, the decision as to who was given a poorer overall grade due to such instructions remained solely within the purview of the secondary evaluator. It is not intended that the specific person being evaluated be made aware of coordination regarding the evaluation grade between the overall responsible party and the secondary evaluator as part of this procedure. It is almost impossible to verify whether higher-ranking superiors exercised impermissible influence on evaluation results with the knowledge of the specific person being evaluated, as some petitioners complained. It is therefore of particular importance that the coordination process between the evaluator with overall responsibility and the secondary evaluator, which is not transparent for the individuals being evaluated, be carried out in accordance with regulations to establish trust in the new system. At the same time, secondary evaluators can avoid conflicts regarding a downgrade of an evaluation by not speaking about the grades with the individuals being evaluated before they have been finalised.

The petitions and the conversations the Parliamentary Commissioner had with the field units show that the new performance evaluation system has not been accepted unconditionally by all those involved in the evaluation process. It is therefore particularly important to transparently and convincingly explain the new system to the servicewomen and -men. This will require the efforts of the specialists in the personnel departments as well as the disciplinary superiors carrying out the evaluations. And, of course, the benchmarks cannot be disregarded on any level in the future as well. This is the only way to develop the new performance evaluation system into an accepted instrument of leadership as part of an atmosphere characterised by trust in the Bundeswehr. One aspect is decisive in light of all of the criticism: the application of the new regulation does not lead to there being fewer opportunities for advancement in the Bundeswehr than before. Only the grade range is more greatly differentiated, and therefore also the significance of the evaluations. The servicewomen and -men are provided with more honest statements on their performance and their advancement prospects. This comes with an opportunity for an increase in fairness in evaluation.

The Ministry of Defence closely monitored the introduction of the new performance evaluation system and assessed it for the first time as part of a workshop in May 2022. The **assessment** showed, for example, that both evaluating superiors and those being evaluated often feel that the presently very strict limitation of free text in

the new performance evaluations is disadvantageous and inappropriate. In light of this, the ministry has decided to expand the text fields. This decision is to be welcomed. Regrettably, the technical implementation of this and other functionally necessary changes has not been carried out in SASPF, the personnel management system of the Bundeswehr. It is unacceptable that the implementation is not expected to begin until 2026 due to busy programmers and a development stop at the BAAINBw scheduled for 2025. Timelines of several years for such small changes lead to a lack of understanding and a loss of trust among the servicewomen and -men. And it is not only trust in the performance evaluation system which is at risk – in fact, there is a risk that the feeling of working for a dysfunctional organisation spread throughout the members of the Bundeswehr. Such a development must be avoided at all costs.

Promotions

In the period from August 2021 to August 2022, the number of servicewomen and -men waiting for a promotion increased further, from around 4,660 to some 5,575. All of those affected met the requirements for a promotion under career path law. However, the Bundeswehr staffing plan was missing the necessary established posts. Not all ranks in the Bundeswehr are impacted by the promotion bottleneck. For example, promotions regularly occur in the junior ranks and among junior NCOs upon fulfilment of the requirements under career path law. In contrast, there is still a significant bottleneck for promotions of sergeants and petty officers to staff sergeants and chief petty officers, respectively.

- *In the year under review, several of those impacted turned to the Parliamentary Commissioner because they had been waiting for a promotion – some for several years – after having fulfilled the requirements under career path law.*

Unfortunately, the posts established as part of the 2022 budgetary law did not result in an improvement of this situation. While lawmakers established new posts and thus 275 opportunities for promotion to staff sergeant or chief petty officer, the number of servicewomen and -men waiting for a promotion to these ranks grew by 415 to 4,479 at the same time. If there is a high number of service personnel in line for a promotion compared with a low number of opportunities for promotion, the Bundeswehr is forced to prioritise. In such cases, the Federal Office of Bundeswehr Personnel Management creates a **promotion sequence** on the basis of the last scheduled performance evaluation; the historical eligibility for promotion; the development forecasts of the second-, third- and fourth-to-last performance evaluations; and the length of special foreign assignments and comparable deployments. This procedure is based on the criteria of aptitude, performance and capability and is not objectionable in view of the scarcity of established posts.

It would be desirable if budgetary lawmakers would resolve the bottleneck for promotions to chief petty officer and staff sergeant by increasing the number of established posts. The operational readiness of the armed forces lives and dies by the personnel. Average waiting times of more than a year, and in some cases several years, from the time they are ready for a promotion understandably lead to frustration among those affected, as well as the feeling that they are underappreciated by the Bundeswehr. In particular to keep the Bundeswehr attractive for the sergeant corps as the backbone of the armed forces, a significant addition to established posts in the A 8 salary group with functional allowance would be an important step in the right direction.

By contrast, it was possible to accelerate promotions in the following case:

- *The package of measures to enhance the promotion of top-level sport stipulates that servicewomen and -men who take part in top-level sport can undergo career training to become a sergeant at the same time. They can therefore complete their sergeant training two years earlier than before on average. During the visit of the Parliamentary Commissioner to the Bundeswehr sports promotion section in Bischofswiesen, it became clear that this theoretically positive new regulation has led to the circumstance that the athletes could not be promoted at this earlier point in time due to a lack of established posts.*

The Bundeswehr responded quickly and, going forward, will make additional posts available to avoid delays in these promotions. This ensures that each top-level athlete can be promoted to the ranks of junior NCOs once they have fulfilled the requirements under career path law. The new post structure enters into force on 1 April 2023.

Processing of personnel matters

The way in which the Bundeswehr processes personnel matters also came under criticism in the year under review, with the long **processing times** for requests repeatedly being the subject of petitions:

- *One petitioner, who was no longer fit for service in his post, was seeking a new assignment and had submitted a transfer request in September 2021, and waited six months for a response. The Federal Office of Bundeswehr Personnel Management acknowledged a failure to process the request, or to do so properly, but no reasons were given.*
- *Another petitioner waited more than a year and a half for his request for re-enlistment to be processed without ever receiving any information in the interim.*
- *In another case, the Federal Office of Bundeswehr Personnel Management considered it “unavoidable” that former servicewomen and -men would not find out the amount of specialised training costs intended to be reclaimed until three years after they had been discharged from the Bundeswehr. The process is time-consuming due to the involvement of and assistance from various offices.*

The Federal Office of Bundeswehr Personnel Management bears responsibility for the personnel matters of more than 260,000 people. In light of the scope of this responsibility, it is obvious that **mistakes** will be made in individual cases. However, disproportionately long waiting times are a source of irritation for those affected which can heavily influence their personal and professional plans and which can understandably lead to frustration. Effective communication and timely processing of legitimate matters are not only the foundation of modern leadership, but also characteristics of an attractive employer, which the Bundeswehr must be now more than ever to compete for good personnel in times of significant competition.

Request processing sometimes takes remarkable detours, as illustrated by the following case:

- *One chief petty officer had requested that his service period be shortened due to an offer for a career as a civil servant. The Bundeswehr initially requested the submission of a missing document, which the petitioner provided as part of a new request submitted electronically. Due to a clerical error, however, the request was still considered incomplete; personnel management assumed it would be submitted by mail. When the petitioner learned of this a month later after enquiring, he submitted the request a third time. Quick processing then enabled him to begin his career training in a timely manner.*

Servicewomen and -men as well as applicants also speak with their friends, relatives, neighbours and acquaintances about their experiences with personnel management. Stories about bumpy and lengthy processing of personnel matters could give the impression that the Federal Office of Bundeswehr Personnel Management works in an unprofessional and bureaucratic manner. Proper and flexible personnel management is of great importance in this regard as well. The following case, which led to the good compatibility of family and duty, is an example of the fact that the FOBWPM acts in the interest of the servicewomen and -men it leads:

- *A 21-year-old petitioner requested a transfer to a close-to-home assignment due to two relatives who were in acute need of care. He agreed to the necessary career change and an extension of his service period. After an initial transfer had significantly shortened his travel time, personnel management provided him with a close-to-home assignment in accordance with his wishes only a few weeks after request submission.*

The process was equally quick and satisfactory for another serviceman:

- *His performance evaluation had been due for more than six months. He feared this would cause career-related disadvantages, in particular with regard to his desire to be accepted as a career soldier and the already-overdue promotion. The petition led to the performance evaluation being moved up in the near term, to his promotion – including indemnification due to the delay – and the opportunity for him to take part in the selection procedure.*

Nevertheless, the Federal Office of Bundeswehr Personnel Management sometimes makes mistakes in its personnel recruiting procedures. At times, a small misconception is enough to lose a suitable applicant:

- *As part of the application process, one petitioner understood erroneously that there was no possibility for him to enlist and to be assigned, and withdrew his successful application for enlistment to voluntary*

military service in home defence. The petition enabled the matter to be resolved and the petitioner to be assigned quickly.

Sometimes mistakes in the medical assessment hinder the application process:

- *One reserve officer candidate obtained suitability for the officer career path, including medical suitability, at the assessment centre. During the later pre-employment medical examination for military police officer training, he was deemed temporarily unfit for military service and ultimately discharged for medical reasons before an additionally required dental assessment was presented. After a review of the assessment, the discharge was found to be unlawful, which led to the re-appointment and financial compensation for the serviceman.*
- *As part of the review of the medical suitability for a re-appointment for an officer career, the Bundeswehr determined that the applicant was unfit for military service as a result. The review of a medical exemption had a negative result. However, the attested health problem did not match the result of the military discharge examination from the prior service status as a soldier in voluntary military service, which was “fit for military service and assignment with restrictions”. Investigations showed that not all medical findings had been taken into account at that time. The applicant’s expectation of a potential re-appointment and the resulting processing effort could have been avoided.*

In this reporting year, some severely disabled petitioners complained that the **representatives for severely disabled persons** were not involved in personnel decisions, for example the selection procedure for acceptance into the status of career soldier:

- *For instance, in the case of one severely disabled serviceman, the representatives were not involved in the preparation of his last two performance evaluations, although his severe disability was documented in the SASPF personnel management system. Personnel management made up for this omission in this case as well as in the others.*

The rights of the representatives of severely disabled persons to be involved in personnel decisions serve to prevent the discrimination of severely disabled persons. These rights therefore make a substantial contribution to strengthening inclusion and diversity in the Bundeswehr. It should thus be a matter of course for the offices which process personnel to not “accidentally” disregard the involvement of the representatives for severely disabled servicewomen and -men.

The Bundeswehr makes use of the **e-recruiting** reservation and assignment tool to, among other things, fill vacant posts. A search request – that is, published notification of a vacant post – can be seen online by a certain group of people, including the responsible offices of all units, the careers centres, personnel management at the Federal Office of Bundeswehr Personnel Management and the assignment reviewers for career changes. A traffic light system indicates the obligation to fill a post. This avoids the double filling of open assignments. However, there appear to be uncertainties in dealing with the e-recruiting system at the unit level:

- *A superior drew the attention of a servicewoman to a vacant post to be filled in the e-recruiting system; however, this post had a binding commitment to be filled at the time of her application. Due to a lack of knowledge, the superior had overseen that the post had already been reserved for approximately three weeks. Corresponding training for the responsible personnel at a unit level would be desirable to prevent such misunderstandings in future.*

The partial digitalization of the process for filling posts through e-recruiting is very pleasing and allows for greater transparency, the desire for which has been expressed many times from the field units. However, the system functions based on the principal that the offices authorised to access it also maintain it and update it; otherwise, its added value is not apparent.

Unlike civilian selection procedures in public service, vacant military posts are not advertised; instead, they are filled by personnel management. Interested servicewomen and -men are therefore particularly dependent upon personnel management’s circumspection and trustworthiness, as the service personnel can only indirectly influence their inclusion in the applicant pool. It is problematic if there is even the appearance that subsequent restrictions of the applicant pool are intended to exclude undesirable candidates, as in a case decided by the Federal Administrative Court:

- *The Federal Office of Bundeswehr Personnel Management qualified a vacant post retroactively in such a way so that only candidates were eligible who would thus be receiving a promotion – that is, they would be occupying a higher-ranking post than before. A lieutenant colonel who was already in the corresponding salary group and who, upon instruction, had even already carried out the duties of the post in question was therefore eliminated from the pool of applicants. The Federal Administrative Court considered this to be unlawful and made it clear that organisational decisions must be made in advance of the selection decision to enable those interested in the post to learn whether their application will be considered under the basic rules of the selection procedure before a decision is made.*

In the year under review, a strikingly high number of servicewomen and -men whose requests for **their service periods to be shortened** went nowhere turned to the Parliamentary Commissioner. Their motivation for wanting to shorten their service period is as multifaceted as the point in time at which the petitioners would like to leave the Bundeswehr. In most cases, however, it is a combination of professional dissatisfaction and the opportunity to begin training programme or to take a job in the private sector. The following petition is one such example:

- *The petitioner, whose service period was scheduled to end on 31 December 2023, was deployed in staff duty in the Air Force. He wanted to shorten his service period, which had last been extended to 12 years at his request, to ten years and six months. He indicated that he had not been able to identify with the military profession for some time now. Moreover, he had been offered a job by a major car manufacturer. The Federal Office of Bundeswehr Personnel Management rejected his request. The shortening was not in the interest of the armed forces, as the petitioner was in a training and assignment category that was highly understaffed.*

The strictness demonstrated by personnel management not just in this case with regard to requests to shorten a service period is supported by a clear legal situation. Pursuant to Section 40(7) of the Legal Status of Military Personnel Act, the shortening of a service period must be in the interest of the armed forces. In general, it is only in the interest of the armed forces if the Bundeswehr would be better served by the shortening than if the servicewoman or -man completes the original service obligation. Specific examples of these cases can be found in the corresponding General Regulation. A request for the service period to be shortened is often granted if the servicewoman or -man is assigned to a special-duty post and thus, for example, is already legally entitled to career advancement measures within their service period.

Nevertheless, according to the Federal Office of Bundeswehr Personnel Management, it regularly grants a requested service period shortening of less than one year in line with the **duty of care** if, for instance, there is a binding offer from a future employer. The approach of personnel management is fundamentally not objectionable. In times of staff shortages, the decisions to shorten service periods must also be justifiable with regard to the personnel situation and the ability to fill vacancies. The Bundeswehr cannot afford to let servicewomen and -men in understaffed training and assignment categories leave. Finally, the security policy situation does not allow the shortening of service periods to be handled with an abundance of goodwill. Individual cases in which remaining in the armed forces would lead to a particular personal hardship are an exception to this, of course. However, as some service personnel erroneously assume when submitting a request, altered personal life plans or a lack of motivation for the military profession does not always represent a particular personal hardship. Nevertheless, the Bundeswehr would do well to approach applicants whose requests for service period shortening were unsuccessful. In close coordination between personnel management, the superiors in the local units and the servicewomen or -man, a discussion must take place to eliminate the threat of, or the existence of, career dissatisfaction in order to enable further cooperation which is acceptable for all parties involved.

Civilian initial and follow-on occupational training

The Bundeswehr uses civilian initial and follow-on occupational training to qualify temporary-career volunteers for the respective posts. The measures are therefore primarily intended for their military assignments during their service obligation and thus essentially for the performance of their duties in their respective posts. At the same time, servicewomen and -men can use the technical qualifications obtained as part of their civilian initial and follow-on training even after their service period ends. This also makes civilian initial and follow-on occupational training measures attractive for re-entering the civilian workforce after their service period ends.

As at 15 November 2022, the date of the last survey, a total of 5,178 temporary-career volunteers had participated in training measures as part of civilian initial and follow-on occupational training, 4,052 in initial training and 1,126 in follow-on training. These took the form of 364 group initial training measures in 46 different occupational profiles and 100 group follow-on training measures in 31 different civilian occupational qualifications. Both the number of participants as well as the number of group initial and follow-on training measures declined slightly compared with the previous year. In the year under review, 2,090 temporary-career volunteers successfully completed initial training and 823 successfully completed follow-on training. At the end of the year under review, the training courses for master metalworkers and master electricians took place for the first time; follow-on occupational training for master refrigeration engineers is scheduled from August 2023. Because the military major organisational elements have not indicated a corresponding need, there are currently no plans to add any further initial and follow-on training courses. Due to the pandemic, the Bundeswehr had to postpone the organisational study of the civilian initial and follow-on occupational training centres and student administrative support centres for Bundeswehr schools of general vocational education planned for 2021. The Bundeswehr resumed them in the spring of the year under review and began gathering data in September 2022.

The training measures and courses as part of civilian initial and follow-on occupational training for temporary-career volunteers are largely carried out by external civilian **training providers**. The Vocational Advancement Service, located at the careers centres, manages and reviews the execution of these training measures. Servicewomen and -men repeatedly criticise the quality, content and organisation of the training measures:

- *As in the previous year, one civilian initial and follow-on occupational training measure for aircraft mechanics came under criticism. The instructors of the training provider were unfit and poorly prepared, and teaching materials were missing or contained errors. The review revealed that the training course had not been satisfactory to that point. Self-learning phases that overwhelmed some of the participants were not sufficiently worked through. Specialist instructors could not be obtained, and the instructors carrying out the training no longer had the necessary certification for practical training. The responsible careers centre ultimately performed daily support visits to the training course. There is now significantly closer coordination between the civilian initial and follow-on occupational training support office, the training provider and the responsible Bundeswehr careers centre.*
- *Multiple participants of a civilian initial and follow-on occupational training course at the Berlin location complained about the lack of technical and educational suitability of the instructors from the external training provider and feared that this would lead them to not pass their examination at the Chamber of Industry and Commerce. Within the framework of its technical supervision, the Federal Office of Bundeswehr Personnel Management worked with the Vocational Support Service to resolve the deficiencies described. In addition, termination of the contract with the external training provider was taken into consideration and the availability of other training providers was investigated in case the deficiencies in training continued.*

These cases demonstrate how important it is to point out deficits, as well as to regularly follow up on indications as part of technical supervision, in particular with regard to the quality of course design, and to resolve problems quickly. Quality, reliability and consistency must be in the foreground when selecting each external training provider. While the task of procuring training measures by means of tendering and awarding contracts previously was under the purview of the careers centres as part of their respective local responsibilities, the Federal Office of Bundeswehr Personnel Management took on this task centrally in the course of 2021. The respective specifications are still put together by the careers centres. When awarding contracts, the FOBwPM should make use of the careers centres' years of experience gained through working with proven external training providers.

6. Women in the Bundeswehr

Women have been serving in the armed forces alongside their male comrades for over twenty years now. The Bundeswehr has since been able to tap into a broad field of female applicants, in turn enhancing the mix of military personnel, as women contribute different skills, perspectives and experience. The envisaged increase in personnel in the Bundeswehr can only be accomplished by incorporating a large proportion of women. Despite the length of time that has since elapsed, the Bundeswehr has only met the **quotas** set in the Act on Equal Opportunities for Female and Male Military Personnel of the Bundeswehr to a limited extent. In 2022, the quota

for all career paths, except for the Medical Service, was set at 15 per cent, but only 9.50 per cent was attained (2021: 9.16 per cent), which is well below target. The only area faring better in this respect is the Medical Service. The proportion of female medical personnel serving in the Central Medical Service and all other major organisational elements in the year under review was 45.66 per cent (2021: 45.16 per cent), which means that the target of 50 per cent has not yet been met here either, even though women have been serving in the Medical Service since 1975.

In the year under review, the number of servicewomen increased to 24,180 (including 1,816 volunteers for military service) (previous year: 23,606). The proportion of servicewomen (Medical Service and other careers) rose to 13.21 per cent (2021: 12.85 per cent). In the year under review, the proportion of women was 7.55 per cent (2021: 7.32 per cent) in the Army, 9.49 per cent (2021: 9.02 per cent) in the Air Force, 10.92 per cent (2021: 10.48 per cent) in the Navy, 11.30 per cent (2021: 11.34 per cent) in the Joint Support Enabling Service, 10.12 per cent (2021: 10.03 per cent) in the major organisational element of the Cyber and Information Domain Service and 41.49 per cent (2021: 41.08 per cent) in the Central Medical Service. The proportion of women among career soldiers was 8.28 per cent (previous year: 7.77 per cent) and among temporary-career volunteers 15.12 per cent (previous year: 14.77 per cent). The proportion of women completing voluntary military service also rose only slightly to 19.22 per cent (previous year: 18.84 per cent).

After a brief dip in 2020, the percentage of applications from women continued to grow (2019: 17.3 per cent; 2020: 17.2 per cent; 2021: 17.7 per cent; 2022: 17.8 per cent). However, a less rosy picture is painted when we look at the absolute figures. Although 9,200 applications were received from women in 2019, the figure dropped to 8,250 in 2020, then went up to 8,700 in 2021 only to decline again to 7,800 in the year under review. So the prospects of attracting a significantly higher number of women to the Bundeswehr over the next few years are not encouraging.

The Bundeswehr seeks to drive equal opportunities forward so that it increases its attractiveness as a modern employer for men and women equally. However, given the figures showing the proportion of women in the Bundeswehr excluding the Medical Service and, in particular, the situation regarding applications from women, the efforts to date will clearly have to be stepped up. Targeted and intensive efforts are required to meet the targets set.

Military equal opportunity officers have been providing agencies with expert advice since 2005. Based on the relevant regulations, the equal opportunity officer advises and supports the agencies in the process of implementing the requirements under gender equality legislation.

- *Time and again, military equal opportunity officers report that many heads of agencies do not accept their advisory role for the agency, seeing them instead as women representing the interests of individuals.*

This is wrong. By her very remit under law, the equal opportunity officer is not a representative of the interests of individuals but is an organ of the agency and is directly assigned to its management. She is committed to the general welfare of the agency and falls within the agency's sphere of interest. She is the contact for all servicewomen and -men in the agency, their superiors and leaders.

The equal opportunity officers can only fulfil their mandate if their agency involves them in the decision-making processes affecting equal opportunities for women and men, the compatibility of family and duty and protection against (sexual) harassment at the workplace at an early enough stage for them to actively support these processes by making their own suggestions. Involving them at the same time as (or immediately before) the interest representation bodies is just as late as involving them once the decision has already manifested itself to such an extent that it is no longer possible to actively shape it in a meaningful way. It is important for the heads of agencies to realise that they can benefit from the expertise of equal opportunity officers, so they should make full use of it. This does not stop the military equal opportunity officers from themselves requesting discussions with agency management. For instance, one idea would be to set up regular (quarterly) discussions in addition to ad-hoc meetings. They should also exploit any potential for increasing awareness of their presence and ensuring that they are visibly accessible; they should not stop in their efforts to seek creative solutions in the management of their wide-ranging tasks.

The presence of women in all parts of the armed forces – Army, Air Force, Navy, Medical Service, Military Music Service or Cyber division – is now a matter of course, albeit not in sufficient numbers. Servicewomen fly combat aircraft and helicopters, serve as ship engineers and work as Army mountain guides. What is more, the first female commander entered service at the Naval School of Technology in Parow in the year under review.

And in the subordinate areas of the Ministry of Defence, women are actually taking up a number of significant positions, some of which are leadership roles. For example, the Vice President of the Federal Office of Bundeswehr Personnel Management is a servicewoman, as is a head of department in this Federal Office.

Although the **top-calibre careers** of these servicewomen are often paraded as examples, their low number cannot hide the fact that women continue to be clearly underrepresented in leadership positions in the Bundeswehr, even in the Medical Service, where the proportion of women has been very high for years. Although female officers have been serving in the Medical Service since 1975 and despite women accounting for 45.66 per cent of medical orderlies in the Bundeswehr, servicewomen in Grade B positions are still a rarity. In the year under review, there were only ten servicewomen in this grade, which is one less than in 2021. Of these, seven (2021: nine) were in grade B 3 (five group captains and two captains, Medical Corps). Two servicewomen are brigadier generals, Medical Corps (B 6) (there were also two in 2021) and one servicewoman is a major general, Medical Corps (B 7) (and in 2021, too, there was one female major general here). A slight increase has been observed in grade A 16 in all major organisational elements, from 30 in 2021 to 37 servicewomen in 2022; outside the Medical Service, only two of these servicewomen have reached the rank of colonel and one the rank of captain. A 15 has seen a steady increase for several years with 590 servicewomen (previous year: 555). However, outside the Medical Service, only a few servicewomen have reached grade A 15. The civilian part of the Bundeswehr is much further ahead in terms of top-rank assignments, not least as a result of the appointment of four female directors, most recently the Director of the Military Counterintelligence Service.

And yet role models play a key role in reflecting discernible career opportunities to encourage women to seek a career in the Bundeswehr. To achieve this, it is important for the **conditions** to be attractive. This does not mean preferential treatment and extras. In conversations during troop visits, the Parliamentary Commissioner for the Armed Forces learned that servicewomen perform their duties just as their male comrades do. They do not want to be perceived on the basis of their gender but on the basis of their performance. They are not looking for a protective space, but want to assert and prove themselves under the same conditions and requirements as their male comrades, which also means with the same career advancement opportunities. But if items normally taken for granted – such as toilets and showers for women and the requisite personal equipment – are not provided, the obvious question to ask is whether servicewomen are in fact valued. It is unacceptable that there are still insufficient supplies of properly fitting protective vests for servicewomen; after all, this is a matter of personal safety. The solution simply cannot be to equip servicewomen and -men needing a small-sized protective vest with a vest in the next size up. Although the Federal Ministry of Defence announced its intention to procure around 16,000 small-sized protective vests by the end of 2025, it is hard to understand why the 18,535 women who have already been serving in the Bundeswehr since 2013 have to wait until 2025 before a sufficient number of these vests are procured. There is an immediate need for this protective equipment not only in view of the altered security situation but also because of the corresponding change in mission.

There is also a shortage of various other suitable items of equipment for servicewomen. For example, the available pistol grips are not suitable for smaller hands, shirts and trousers are not tailored to female body shapes, mess dress uniforms for women still date back to the 1970s, swimsuits are bulky and do not meet the different size requirements, and bras and tights are of inferior quality and do not last very long. It would be advisable to include servicewomen in the process of selecting and procuring these items of clothing. It is ludicrous that, in some cases, it has taken six to eight months for pregnancy clothing to be supplied, which means that the pregnant servicewoman is right at the end of her pregnancy when the clothing is actually received. The Bundeswehr must urgently rectify this situation.

Fortunately it has been possible to ascertain that the armed forces are continuing to take **misogynistic behaviour** in their own ranks seriously and are intensively addressing such misconduct, taking strict measures to combat it. It is still incumbent on all superiors to create a climate of mutual respect and trust, so that sexual assaults or inappropriate comments remain a taboo:

- *A volunteer for military service repeatedly made misogynistic and sexist comments. For instance, he said that women had no say over him, they just had to obey him. He insulted one servicewoman, saying things like all blonde women were “whores and sluts”, who posted pornographic images on social media. The Federal Office of Bundeswehr Personnel Management dismissed him without notice.*
- *Two servicemen showed uncomradely conduct towards a servicewoman, by making comments about her physique: “You’ve got big boobs”, “You could do with missing a meal or two”, “It’s not surprising your*

sex drive is as cool as a refrigerator”, “It’s not surprising you’re not pregnant”. They received a heavy disciplinary fine.

- *A servicewoman reported to her disciplinary superior that a photo of her with an inappropriate and unauthorised caption had been posted on the Twitter account of a member of the Bundeswehr. In an arrangement of several images showing women in Bundeswehr uniform, text was added with phrases such as: “My sights are set on your job too, sweetie!” or “Yes, General. Your post is next.” The servicewoman in question felt that her honour had been violated and that she had been ridiculed. Her disciplinary superior rightly saw this as an instance of discrimination. Investigations found that a high-ranking civilian member of the Bundeswehr had posted the tweet. Although he was not the one who had tampered with the photos, he still posted them. He received a written reprimand and had to apologise to the servicewoman.*

Despite all the measures taken by the Bundeswehr to prevent any sexual assaults from happening, such instances continue to arise. If a sexual assault takes place on deployment abroad, the victims are especially affected. On the one hand, they have to go through a fraught period while the investigations are carried out given the close proximity in which the troops are stationed in the camps, and this in turn presumably increases other people’s attention to the case. On the other, the victims do not have their usual support network nearby (e.g. family or non-Bundeswehr friends back home).

A further important issue for servicewomen as well as -men is the plannability and better compatibility of family and duty. The requests for flexible working models, less commuting and more childcare options are understandable. For years now, it has been known that qualified servicewomen often decide against becoming **career soldiers** for these very reasons. Advancing to leadership positions is also a complicated matter, as the corresponding requirements are difficult to meet with small children, such as attending the mandatory two-year general/admiral staff officers’ course, which also involves completing different types of placements (in business, with authorities and abroad). Another not very family-friendly requirement for servicewomen and -men with young children is the ministerial assignment, which has to be completed in order to qualify for a **leadership position**. We are not aware of leadership levels in other departments with subordinate areas that can only be attained after being deployed to a ministry. It is hard to understand the meaning and purpose of this requirement. If the Bundeswehr wants to fulfil its aspiration of being an equal opportunity employer, it must offer more flexible prerequisites for leadership positions, particularly in terms of the timelines set. Personnel managers are also called upon to make better use of personnel development interviews to reach out to servicewomen and motivate them to accept career-advancing assignments or leadership positions.

Wherever service allows, the Bundeswehr should offer the model of **part-time** leadership for servicewomen and -men. Part-time reservist duty is also generally legally possible and is something women are requesting. There is a need for an attractive model such as this, for example in the Central Medical Service or in the area of nursing. There is, however, a serious flaw that prevents implementation in practice: each day of part-time reservist duty - regardless of the percentage of regular service working hours - counts as a full day of full-time reservist duty. This is intended to create more flexibility, but instead seems to lead to restrictive part-time employment decisions in the assignment agencies.

The Bundeswehr is aware that the realisation of **equal opportunities** is a criterion for increasing its attractiveness as an employer in line with trends in society and therefore remains one of its strategic long-term tasks, so it is developing measures and instruments accordingly. For instance, the Staff Element for “Equal Opportunities, Diversity and Inclusion” in the Ministry of Defence is focusing on creating conditions that enable all servicewomen and -men to pursue equal career paths commensurate with their aptitude, ability and professional performance. The objective is to permanently eliminate systemic disadvantages for women. Superiors need to have a greater awareness of what gender equality entails. The top echelon of the Federal Ministry of Defence has concluded target agreements with heads of department, with the aim of reducing the underrepresentation of women within the Ministry and increasing the proportion of women in leadership positions. Similar target agreements need to be entered into between the Chief of Defence of the Bundeswehr and the chiefs of service of the military major organisational elements. This should also include organising awareness-raising events for leaders to increase their own knowledge of gender equality, setting up women’s networks and introducing specific programmes to foster female talent to ensure that top-calibre female officers are supported in their personal and professional development. These initiatives and measures evidently have not achieved the desired level of success to date, otherwise more servicewomen would be represented, particularly in leadership positions. What is more, it is taking far too long to implement the long overdue reform of the Act

on Equal Opportunities for Female and Male Military Personnel, with the aim of harmonising the Act with regulations in the civilian area as far as possible. By the end of the year under review, it was still in the internal ministerial coordination phase of the process.

The Bundeswehr must keep working on developing creative ideas and implementing measures to meet the statutory targets set for the proportion of women it employs. Diversity and equality of opportunities must become an integral mandatory part of the Bundeswehr's training and qualifications. Despite an announcement to the contrary, this was not achieved in the year under review. More women should be working in the area of **career counselling** in particular, so that they can provide female applicants with targeted advice for women. Young female recruits need female role models from the outset, which is why it is important to employ a much greater number of servicewomen as trainers.

It will not be possible to eliminate the existing disadvantages unless the proportion of women in the Bundeswehr significantly increases. Sociological gender research clearly shows that women will not escape their minority status until they occupy a proportion of over 15 per cent. And only when the proportion increases to over 30 per cent is a stable mixing of genders possible. All those in a position of responsibility, including servicewomen themselves, are therefore called upon to pool their efforts and campaign for getting women to join the Bundeswehr and ensuring they are promoted based on their performance.

7. Leadership development and civic education

The principles of *Innere Führung* (leadership development and civic education) are the crucial foundation of military service in the Bundeswehr. It is an essential idea of the concept of the citizen in uniform that servicewomen and -men should be led to stand up for human dignity, freedom, peace, justice, solidarity and democracy as the guiding values of our nation through their own inner conviction. These values are the basis for all decisions of conscience that service personnel must make in performing their daily duties and while on deployment. Leadership development and civic education are thus a framework of values when it comes to answering to the core questions related to the military profession. Each servicewoman and -man must be able to find their own personal answer to the question of whether and when they would be prepared to even risk their own life or to kill in the performance of their duties. It is even more difficult when it involves not only their own lives, but also the lives of the servicewomen and -men entrusted to them. The field units were confronted with these questions in the year under review in particular. With Russia's unlawful invasion of Ukraine and the courageous resistance of the armed forces and the people of Ukraine, German society as well as the servicewomen and -men were faced with the question of how they would likely respond in such a situation and which values are so important to them that they would stand up for them and defend them.

Leadership development and civic education are therefore highly relevant for all servicewomen and -men, and it is of particular importance to prepare the young military personnel for the questions that come along with them. After all, prospective servicewomen and -men come from all areas of society and have a highly varied range of personal backgrounds. The direct superiors therefore bear a great responsibility for conveying to them the principles of leadership development and civic education with all of their facets and to bring them to a uniform level of understanding. Moreover, dealing with political, historical, intercultural and ethical topics is meant to strengthen the young soldiers' ability to resist unconstitutional influences and, in this regard, to counter such tendencies early on.

It is therefore sensible and good that the Federal Ministry of Defence made advancements in the year under review to update the regulations on political, historical, intercultural and ethical education. The subsequent step is also welcome, with which the ministry intends to bundle these new regulations together in the **overall regulation on personality development**. In this way, a compact compendium for training on the subject of leadership development and civic education is to be made available to heads of agencies in future which should be more manageable than the prior individual regulations. The new regulation is expected to be published in the second half of 2023.

At the same time, the Leadership Development and Civic Education Centre is working in conjunction with the ministry to update leadership development and civic education as the intellectual and cultural core of the Bundeswehr. The plan to publish a **handbook on leadership development and civic education** as a component of a modular system with a wide variety of communication and education formats (apps, blogs, videos, graphic novels, click games, etc.) – which is intended to supplement the central service regulation rather than to replace it – is particularly noteworthy. The thought is that this will be a methodical means to make the

principles of leadership development and civic education tangible in a way suitable for the troops and which addresses not only leaders but soldiers as well. The plan is to present the handbook at the end of 2023. The Bundeswehr's project to continuously modernise leadership development and civic education is exemplary and welcome in every respect.

Additionally, the Chief of the Army created a meaningful incentive for sound leadership by launching the “*Meine Innere Führung*” initiative in June 2021, including the “**InFü Challenge 2021**”. Servicewomen and -men in the Army were called upon to nominate their fellow soldiers who exemplify good leadership and good service to receive an award. Awards went to 30 servicewomen and -men from 136 nominations received.

Moreover, a significant portion of leadership development and civic education is based upon an embodiment of good camaraderie – across all ranks. For the field units to function, it is essential that the troops are able to rely on and trust in one another. One lance corporal, whose wife passed away far too early from a severe illness, told the Parliamentary Commissioner his very personal story of how much the camaraderie meant to him during those difficult times:

- *In spite of all the duties to be performed, his company had made it possible for him to be there for his wife a lot during the two-year illness. His superiors and fellow soldiers had arranged everything for him so that he could accompany his wife, had stood by him and offered him both spiritual as well as physical help. One fellow soldier, for instance, ran errands for him and another had made repairs to his house during his spare time when the lance corporal and his wife were not able to do so. Ultimately, they made it possible for him to be by his wife's side, in particular in the last three months until the very end.*

This moving example shows camaraderie in its best form and how much strength servicewomen and -men can get from one another.

Civic education

Knowing what you are fighting for can literally be decisive in the outcome of war. This was made abundantly clear by the terrible war in Ukraine. With Russia's unlawful invasion, the brave Ukrainian soldiers were aware from day one that their fight was for the pure existence of their homeland and the defence of their system of government. The servicewomen and -men of the Bundeswehr are also supposed to “bravely defend the law and freedom of the German people”, as set forth as the fundamental military duty in the Legal Status of Military Personnel Act and as sworn or pledged by all soldiers at the beginning of their service period. The principles of leadership development and civic education and the ideal of soldiers as citizens in uniform demand that they do this out of their own conviction. They therefore must know and also be able to explain why they are standing up for the political fundamental principles of our democracy. Being able to convey this knowledge and this understanding is the goal of civic education. The goal of civic education is not to teach the troops to be apolitical, but rather to actively take part in political processes and political opinion-forming and to advocate for the basic and human rights protected under the constitution. Civic education is thus an important responsibility of the military superiors and, at the same time, one of their most important fields for leading, guiding and training the servicewomen and -men under their command. At the same time, it is an important tool for avoiding and counteracting extremist trends and ways of thinking.

Servicewomen and -men acted in exemplary fashion in the following case:

- *They notified the Ministry of Defence that a supplier of clothing items to the Bundeswehr had used the abbreviation “SS” for the size “small-short”. After the information from the troops, the ministry put a stop to this immediately and had the tags removed in the items which had already been delivered.*

At the end of the year under review, the Bundeswehr Centre of Military History and Social Sciences (BwCMHSOSC) began the **study** on the effect of civic education in the armed forces, which had been planned for some time. To this end, approximately 20,000 members of the Bundeswehr will be asked to participate. In addition, the study will include numerous discussions in focus groups and at various locations, as well as a survey of the population. The results are expected to be presented in the second half of 2023. At the same time, the study on the army in democracy – with which the BwCMHSOSC is investigating the causes, scope and influence of political extremism in the Bundeswehr and which is part of the reform process in Special Operations Forces Command (SOFCOM) – is already under way. After the collection of data via interviews and questionnaires was concluded in the year under review, the data is now being analysed in close cooperation with

the Advisory Council on Leadership Development and Civic Education and the Leadership Development and Civic Education Centre. These results are also expected to be available in the second half of 2023.

The Bundeswehr provides for at least 24 training hours, or at least two days, per year for civic education, for example for **excursions** or seminars. This is good. However, it is crucial that the field units also have the opportunity to easily meet this requirement without great effort. There is room for improvement, as demonstrated by the following example:

- *During a troop visit of the Parliamentary Commissioner to the Bundeswehr Medical Academy in Munich, one officer described the significant effort required to organise a three-day seminar trip to Leipzig within the framework of civic education. In addition to early registration, planning required calculations, economic feasibility studies and that two alternatives be named. A procurement request and a preliminary calculation were necessary for a city tour focusing on the sites of peaceful revolution and admission tickets for a civic exhibition. Participants in groups of visitors to the Office of the Parliamentary Commissioner also shared similar stories. The bureaucratic hurdles are sometimes such an obstacle that some of those responsible would rather do without an educational trip altogether. The Federal Ministry of Defence considers the criticism to be unfounded. The subjective perception of the officer does not match up with the actual time invested. In addition, the requirements are in line with the relevant regulations.*

It is correct that not even the Bundeswehr is allowed to disregard budgetary and procurement provisions of public law. Nevertheless, in particular in light of the many burdens placed upon the field units, battalions and organisations, it should be a warning to the ministry when these reports are heard from the field units.

The **Navy** is setting a great example in this regard by offering its members the convenient and low-threshold opportunity to take seminar trips to the German capital with its permanent citizens' seminar in Berlin. The Berlin branch office of the Petty Officer School, which creates a programme in coordination with the feasible wishes and requests, is responsible for the seminar. It handles the complete local organisation and has its own budget for things such as admission tickets. The units merely have to take care of travel to and from Berlin. In this way – with a personnel body of merely eight people, some of whom led tours of the city themselves – the branch office carried out 60 seminar trips with a total of some 920 participants in the year under review. This exemplary service for the field units which has existed in the Navy for 30 years could be used as a blueprint for the entire Bundeswehr. The Federal Ministry of Defence should consider using this outstanding model to establish a central office which organises training trips for all branches and major organisational elements of the armed forces. These trips could initially focus on excursions to Berlin with its wide range of civic and historical sites, with the offering being successively expanded.

In this regard, a worthwhile goal for civic education is the direct vicinity of the Leadership Development and Civic Education Centre in Coblenz. It is surrounded by 16 streets which are all named after fighters in the resistance against National Socialism. On the basis of the idea of Dr Ulrike Senger, private lecturer at Helmut Schmidt University/Bundeswehr University Hamburg, Commander Simon Beckert developed the **“Widerstandsweg”** (“resistance path”), which leads those interested through the district and the Leadership Development and Civic Education Centre and informs them about the historical context as well as the people or groups after which the streets are named. At the end of the path, this results in an overview of the historical events from the time of National Socialism and the different resistance types and groups that aimed to combat it, also with connections to the 21st century. On the occasion of the day of remembrance for the resistance against the National Socialist regime on 20 July, the Parliamentary Commissioner took a tour of this successful project in the year under review.

The **“Day of Values”** event of the Army, which was initiated in 2022, is also exemplary for the realisation of civic education. This was based on a recommendation of the Advisory Committee on Extremism, an external committee which, on behalf of the Chief of the Army, discussed and developed suitable measures and tools to prevent extremism. On 23 February 2022, the focus throughout the entire armed forces was on conveying values and personality development. All servicewomen and -men in the Army took part, and the details for how the day was arranged was left to the individual organisations. They had received a handout with ideas and suggestions in advance. It is encouraging that many of those responsible also asked the Leadership Development and Civic Education Centre as well as the Centre for Ethical Education for support, and made use of their wide range of materials. A video message from the then commander of the Leadership Development and Civic Education Centre in Coblenz was also worth watching, in which he briefly and vividly summarised what leadership development and civic education are all about and what values are to be embodied on a daily

basis in the Bundeswehr. In future, the “Day of Values” is to always take place on 23 May, the birthday of the Basic Law. This symbolic date is a perfect choice.

Violation of the free democratic basic order

At the beginning of their service period, every servicewoman and every serviceman swears or pledges to serve the Federal Republic of Germany faithfully and to bravely defend the law and freedom of the German people. The civic duty of loyalty which obliges service personnel to recognise the free democratic basic order and, moreover, to stand up for its preservation through everything they do is of substantial importance in this context. It is necessary for them to distance themselves, internally and externally, from groups and endeavours which attack or seek to combat the state, its constitutional organs and the applicable constitutional order. The large majority of servicewomen and -men embody these principles, conduct themselves in a manner which is faithful to the constitution and also keep an eye on reporting violations of the free democratic basic order. Anyone who supports or shares anti-constitutional endeavours has no business serving in the armed forces. Moreover, servicewomen and -men are obligated to immediately report to the relevant superiors any violations of the free democratic basic order which constitute or include a reportable event within the meaning of the corresponding General Regulation. Failure to perform this legally required action may represent a violation of military duties and result in disciplinary as well as criminal consequences. It is to be expressly supported that the Bundeswehr tolerates neither active nor passive **extremist behaviours** in its ranks and takes decisive action against them. Those who ignore, accept or allow such tendencies out of a sense of false solidarity, arrogance or a desire to provoke should also be aware of this. Every suspected case is subjected to an in-depth investigation and, if confirmed, punished consistently. The Parliamentary Commissioner monitors the investigations, is informed about the results and reviews the appropriateness thereof.

In the year under review, for example, the case of officer Franco A. – which had already caused a stir in 2017 and whose details can be found in the Annual Report 2017 – once again drew attention. The soldier was arrested at the time at the Vienna airport when he attempted to retrieve a weapon he had previously hidden in a toilet. Over the course of the investigation, it emerged that he had illegally possessed weapons and ammunition, posed as a Syrian national in 2015 and applied for asylum in Germany. Due to his racist-nationalist, right-wing extremist views, he was planning attacks on prominent personalities and presumably wanted to make it seem as though the acts had been committed by refugees. The judicial review by the courts of first instance ended after 14 months of proceedings with a ruling of the Frankfurt am Main Higher Regional Court on 15 July 2022. The court ruled that it had been proven that the soldier had prepared a serious act of violence endangering the state and had committed further crimes. The Bundeswehr officer was sentenced to imprisonment totalling five and a half years. The judgement was not final at the end of the year under review.

There were 203 **reported** suspected cases with extremist backgrounds in the reporting period. A total of 185 reportable events involved suspected cases in the categories of “extremist behaviours”, “incitement to enmity and hatred” or “violation of the free democratic basic order”. This figure is slightly below the number of cases reported in the 2021 reporting year (226 cases). In the reporting years 2017 to 2020, there were 167, 150, 178 and 211 suspected cases (respectively) for the reporting categories in place at the time of “activities that jeopardise the democratic rule of law”, “impermissible political activities” or “incitement to enmity and hatred”. Additionally, the field units reported 18 suspected cases in the categories of “discrimination”, “crimes against the duties of superiors” and “impermissible political activities”, among others, in 2022 which showed connections to extremist behaviours.

The overwhelming number of reportable events in the area of extremism which the Parliamentary Commissioner took up ex officio in the year under review relate to right-wing extremist incidents. By contrast, events related to the areas of left-wing extremism, terrorism or religiously motivated extremism were in the low single digits or not reported at all.

Right-wing extremism impacts not only the armed forces, but all sectors of society. However, this should not obscure the fact that right-wing extremist behaviour in sensitive areas such as the armed forces represents a decisive qualitative difference, because the service personnel concerned not only have access to weapons in most cases, but they are often also trained in the use thereof. Right-wing extremism in the Bundeswehr is therefore to be evaluated particularly critically and, moreover, often relevant for purposes of not only disciplinary but also criminal law. Against this backdrop, the **zero-tolerance policy** towards right-wing extremist activities which the Bundeswehr has pursued for years is very welcome and supported by the

Parliamentary Commissioner. Due to their position as citizens in uniform and their mission, servicewomen and -men have a particular responsibility to conduct themselves in a manner that is faithful to the constitution and to leave no doubt about their loyalty to the free democratic basic order. The majority of offences reported in the 2022 reporting year which were related to right-wing extremism were propaganda offences, such as the use of dissemination of National Socialist symbols, slogans or other ideas. Examples include bringing in or listening to right-wing extremist music on military properties, membership in associations and organisations with right-wing extremist tendencies, giving the Hitler salute and the use of slogans like “*Sieg Heil*” or “*Heil Hitler*”. It is not uncommon for servicewomen and -men to also display constitutionally questionable behaviour on social media and networks such as Facebook, Instagram, WhatsApp, Telegram, Twitter and YouTube. Both simply following and liking as well as commenting on can provide indications of an extremist attitude which is not compatible with the free democratic basic order.

Overall, the Bundeswehr’s approach to combating right-wing extremism is positive. The consistent and transparent handling of the reported cases is evidence of heightened awareness and sensitivity for the topic as well as of the effectiveness of the internal structures. Nevertheless, every crossing of red lines and every case of right-wing extremist behaviours is unbearable for the Bundeswehr and must come with expeditious disciplinary and criminal consequences. Regrettably, however, it must be noted that the procedures often take much too long on account of legally and organisationally inadequate framework conditions. One particular focus should therefore also be on optimising these framework conditions because, ultimately, the prompt proscription of intolerable behaviours is decisive in the fight against right-wing extremism.

In addition to reportable events, petitions are also a source of information for the Parliamentary Commissioner. In the year under review, 27 (2021: 30) petitioners made submissions to the Parliamentary Commissioner which were attributable to the area of extremism.

These petitions could be divided into two groups: on the one hand, petitioners criticised right-wing extremist behaviours and incidents of superiors or fellow soldiers. On the other hand, servicewomen and -men against whom disciplinary proceedings were being conducted on the basis of suspected or confirmed allegations in connection with right-wing extremism turned to the Parliamentary Commissioner and criticised the manner or duration of the investigations conducted by superiors, the Federal Office of Military Counter-Intelligence or the disciplinary attorneys for the Armed Forces.

The following examples provide a glimpse into the wide range of cases the field units dealt with during the year under review. They also make it clear how decisively they discipline right-wing extremist tendencies or behaviours in individual cases and, in certain circumstances, initiate criminal proceedings.

A series of incidents in which **National Socialist ideas** or behaviours came to light led to the discharge of the servicewomen or -men:

- *One NCO said goodbye to a fellow soldier with the words of the National Socialist Schutzstaffel (SS): “Meine Ehre heißt Treue” (“my honour means loyalty”).*
- *Another NCO used the WhatsApp messaging service to send an image with the Star of David and the caption “ungeimpft” (“unvaccinated”).*
- *One junior-ranking soldier called another soldier a “Jew” multiple times and said: “Jews brought the plague”.*
- *During practice for a solemn pledge, another junior-ranking soldier gave the Hitler salute while singing the national anthem.*
- *In another case, a junior-ranking soldier carved multiple SS runes and swastikas into the wooden tables of the NCO barracks.*
- *An audio file sent via WhatsApp to a fellow soldier with Hitler Youth anthem “Vorwärts! Vorwärts! schmettern die hellen Fanfaren” also came from a junior-ranking soldier.*
- *A senior NCO expressed multiple times to fellow soldiers theories which are attributable to the Reichsbürger scene. Among other things, he essentially said that “Germany is not a sovereign country”, “Alsace belongs to Germany” and “Article 116 of the Basic Law is not correct; in order to be German, one must demonstrate a family tree up to 1915 inside the German Reich; the Federal Republic of Germany does not have the right to decide who is German”.*

The measures are still outstanding in the following cases:

- *In a WhatsApp group with other soldiers, a senior NCO posted an image showing Adolf Hitler and a chimney, with a caption that read: “Scheiße ... umso größer der Jude desto wärmer die Bude” (“Shit ... the bigger the Jew, the warmer the room”). Judicial disciplinary proceedings have been instituted.*
- *A junior-ranking soldier received four images in a WhatsApp group, each of which depicted an unknown person giving the Hitler salute or wearing a Hitler moustache. The adjacent captions read: “Ab in den Zug” (“get in the train”), “Jude gesucht” (“Jews wanted”) and “vergasen” (“gas them”). Because he neglected to delete the images and to distance himself from this right-wing extremist content in the group, the disciplinary superior ordered a non-judicial disciplinary measure against the soldier for this and other disciplinary offences, a ban on performing his duties and a ban on wearing his uniform. Due to criminal proceedings for the same matter, the disciplinary investigation had not yet been initiated as at the end of the year under review.*
- *On 7 December of the reporting year, police arrested 25 individuals as part of a raid against the Reichsbürger scene; the Federal Public Prosecution Office is investigating 54 people on a suspicion of membership in or supporting a terrorist organisation. The group is suspected of planning to install a new government through force of arms and to have accepted the prospect of deaths within this context. At the end of the year under review, 23 suspects were in custody due to urgent suspicion, including one serviceman from Special Operations Forces Command and a reservist.*

The Bundeswehr is called upon at all times to decisively combat right-wing extremism in the forces across the board.

There were also cases in which servicewomen and -men demonstrated xenophobic attitudes or **racism** in the year under review:

- *During a social evening with fellow soldiers, one junior-ranking serviceman made statements essentially amounting to: “you’ve trained your Negro well”, “the asylum seekers’ home in Kiel and the others should be burned down” and “a rat born in a stable is not a horse”. Judicial disciplinary proceedings were instituted.*
- *One sergeant made several remarks to junior-ranking soldiers under his command that essentially amounted to: “refugees should all be shot anyway”, “Negros in uniform – what’s become of Germany?” He was banned from performing his duties for these comments and other disciplinary offences, and he must stand trial before the Bundeswehr disciplinary and complaints court.*
- *In another case, a junior-ranking servicewoman described a fellow soldier as a “wog” and gave him the Hitler salute. In addition, she explained to him: “a Negro is a Negro and slaves are servants – that’s just the way it is”. The incident was forwarded to the responsible public prosecution office and the servicewoman was discharged from the Bundeswehr.*
- *One reserve officer posted on his Facebook profile, which had clearly recognisable connections to the Bundeswehr, an article about an attack by the Islamic State group in Baghdad with the caption: “Who’s surprised? Too many Islamists were left alive. They should have been eradicated root and stem, along with their families.” The serviceman was discharged from duty with a loss of rank.*
- *One senior NCO criticised that his disciplinary superior, under the influence of alcohol, had verbally insulted him during a social evening among fellow soldiers: “You have no business here you damn Russian, especially not with me (...).” And continued: “Piss off! I don’t want you here. Go now!” The superior received a very severe non-judicial disciplinary punishment and was given duties with no personnel responsibility.*

In 2022, the Bundeswehr prematurely discharged a total of 30 servicewomen and -men from service (2021: 39) in conjunction with reportable events having to do with extremism which were acted on by the Parliamentary Commissioner. Disciplinary misconduct was determined in 17 cases, but a discharge had not yet been finalised. The proceedings are still ongoing in the large majority of investigated cases, as the preliminary disciplinary investigations or the judicial disciplinary proceedings have been initiated. In addition, investigations were concluded in 37 cases without a disciplinary offence or an offender being determined.

If there are factual circumstances which indicate that servicewomen and -men sympathise with efforts or support activities directed against persons, organisations or facilities of the Federal Ministry of Defence and its executive agencies, the Federal Office of Military Counter-Intelligence – **FOMCI** – also gathers information - in particular factual and personal information, records and messages – as part of its statutory mandate and then analyses this information. Since 2022, the FOMCI has differentiated between intelligence review operations and counter-intelligence operations. For the former, of which the FOMCI carried out 149 operations in the reporting year, it investigates at a sort of preliminary level whether it is actually responsible and whether there is sufficient probable cause for the suspicion of extremism. For counter-intelligence operations, these two points have already been clarified; here it is a matter of the original processing of suspicious cases in accordance with Section 1(1) of the Military Counterintelligence Service Act. The Ministry of Defence justifies the change by stating that an undifferentiated presentation of the figures in past years had distorted the picture of the actually relevant counter-intelligence operations. Under consideration of this change, the FOMCI began a total of 241 new counter-intelligence operations in 2022. With the new counting method, these fall under the phenomenon areas as follows: 195 in “right-wing extremism”, 19 in “Islamic extremism”, 11 in “Reichsbürger/supporters of self-governance”, 6 in “left-wing extremism”, 9 in “extremism by foreigners” and 1 in “scientology”. For 2021, the figures according to the counting method at the time were significantly higher for the individual phenomenon areas, and were 589 in “right-wing extremism”, 40 in “Islamic extremism”, 38 in “Reichsbürger/supporters of self-governance” and 13 in “left-wing extremism”.

Moreover, in ten meetings (2021: also ten) of the reservists working group, the FOMCI and the **Federal Office for the Protection of the Constitution** dealt with 621 cases (2021: 1,033) with extremist connections. In 121 of these cases (2021: 420), the Federal Office of Bundeswehr Personnel Management was provided with findings which were submissible in court or information for the performance of its duties. In 422 cases (2021: 593) in which it was not possible to discharge due to a lack of maintainable or submissible findings, the FOMCI asked the Federal Office of Bundeswehr Personnel Management for early notification if the reservists in question were to be called up for reserve service. No measures were to be initiated in the remaining 34 cases dealt with.

Since 2019, the Military Counterintelligence Service has assigned the suspected cases into various categories, the so-called **colour scheme**: “red”: person with recognised extremist-aligned aspirations; “orange”: actual evidence which represents a potential risk of a lack of loyalty to the constitution; and “yellow”: actual evidence of extremist aspirations.

- *In the year under review, a number of servicewomen and -men criticised their respective categorisation as a suspicious case under the colour scheme, especially in the yellow category. In some cases, this resulted in considerable disadvantages in their duties, including the revocation of their security clearance and the associated need to relieve them of security-sensitive duties, their removal from training courses and commands and an obstacle to potential promotions.*

The FOMCI consistently investigates all – even seemingly small – indications of extremist aspirations. Moments of suspicion are enough to be included in the “yellow” category, which could also constitute grounds for initial suspicion within the meaning of the Code of Criminal Procedure or the Military Disciplinary Code. Unlike in processing suspected cases by the Military Counterintelligence Service, however, the principle of acceleration applies directly to criminal and disciplinary proceedings. The longer it takes to process a suspected case in the “yellow” category, the more likely it is that the associated **debarment from promotion** may, in certain circumstances, lead to an unreasonable and potentially unlawful impairment of the rights of the individual concerned. It is therefore welcome that the Federal Ministry of Defence has clarified, at least with a view to the debarment from promotion, that a hardship case or exemption must be examined on a case-by-case basis.

Corresponding findings also reach the public in more than a few cases which the FOMCI processes:

- *In summer 2022, the military police received particular media attention after it had become known that the FOMCI had questioned several soldiers at the same time at the beginning of March as part of a concerted action involving armed military police forces wearing balaclavas. There were indications that a single-digit number of soldiers were maintaining contacts with the right-wing extremist milieu and the violent rocker scene.*

The **Defence Committee** also repeatedly dealt with the incidents surrounding the intelligence operation, especially since there were isolated accusations that the FOMCI and the military police had, in part, exceeded

their authority in this regard. As at the end of the year under review, there was no indication that the use of the military police had been fundamentally inadmissible. However, the examination of whether individual measures taken by the military police on the ground may have been contrary to the principles of proportionality was still ongoing at the end of 2022. According to the Federal Government, there has not yet been any initial suspicion of crimes, however.

The Bundeswehr and all those with military, civilian and political responsibility must precisely monitor the further developments with regard to right-wing extremism and act decisively. Moreover, additional tools are needed to make the disciplinary sanctioning of such cases even more effective. Summary dismissal pursuant to Section 55(5) of the Legal Status of Military Personnel Act is one possibility for early removal of service personnel with right-wing extremist aspirations from the field units. According to this provision, the Bundeswehr can dismiss without notice temporary-career volunteers in their first four years of service by means of an administrative decision if they have culpably violated their official duties and their continued service would seriously jeopardise military order or the reputation of the Bundeswehr. To date, this provision has only applied to the first four years of service. Once these four years have passed, dismissal is only possible as part of court proceedings under disciplinary law, which can often take several years. The person concerned remains in the Bundeswehr during these proceedings. By contrast, for early dismissal within the first four years of service, the appeal has no suspensive effect, which means the servicewoman or -man leaves the Bundeswehr in any case.

In the previous electoral term, the Federal Government had decided to amend the **Legal Status of Military Personnel Act**. Under the amendment, it was supposed to be easier to dismiss service personnel within their first eight years of service. Unfortunately, this planned legislation was not implemented during the 19th electoral term. In the coalition agreement, the governing parties affirm that service and labour laws must be amended to ensure that right-wing extremists can be immediately dismissed from the Bundeswehr. Expanding the possibility of dismissal under Section 55(5) of the Legal Status of Military Personnel Act to the first eight years of service in the event of particularly severe cases is welcome; a new corresponding regulation should be presented and passed quickly. This would also be an important signal to the large majority of servicewomen and -men who are loyal to the constitution and who perform their duties out of conviction for the free democratic basic order. The draft legislation announced by the Ministry of Defence had not yet been presented at the end of the year under review.

The considerable number of incidents in which right-wing extremist content is exchanged and disseminated via **social media** clearly demonstrates that the Bundeswehr must create certainty of action for its servicewomen and -men in the age of digitalisation and must do more to inform and educate on how to deal with messaging services and online platforms. It must consistently pursue misconduct. The separation of official and private communication would be an important first step in this regard. Within this context, the principle that WhatsApp is not a means of command and control is expressly welcome, although practice does not yet reflect this. Analysis of the available cases shows that servicewomen and -men are too generous and careless in dealing with any groups on messaging services. It must be clear to them that, each time they join a messaging group, they run the risk of committing a breach of duty themselves or becoming the target of an investigation of a suspicious case by the FOMCI due to illegal content shared in these groups by third parties. There is no lawless space – neither on the Internet nor online when making use of digital offers, both on and off duty. The use or dissemination of right-wing extremist or other illegal content will be subject to criminal prosecution and disciplinary action, regardless of where this occurs. The **social media guidelines** as well as the directive issued at the end of the year by the Federal Ministry of Defence on the social media presence of the Bundeswehr offer a solid foundation for informing and raising awareness among servicewomen and -men. Nevertheless, the field units must work on the scope and depth of the practical implementation of the regulations and provisions contained therein. In addition, the field units should increasingly make use of alternative, internal offers and platforms within the Bundeswehr for digital collaboration and communication as part of their activities, in particular **BwMessenger**, which was used by some 74,000 servicewomen and -men in the year under review. The popularity of BwMessenger should be increased and it should be established as a means of command and control.

Reform process in Special Operations Forces Command

In the years from 2017 to 2020, incidents in conjunction with right-wing extremism and losses of ammunition in Special Operations Forces Command (SOFCOM) came to light; as a result, the Federal Ministry of Defence

imposed a broad reform process on the outfit. This process was nearly completed in the year under review. The catalogue of reforms consisting of 60 individual measures has had the desired effect and enabled the outfit to undergo a renewal. This process was a success and now, after years of uncertainty, SOFCOM can look to the future from a sound operational and capable position.

In light of the altered security situation resulting from the end of the Afghanistan mission and the war in Ukraine, as well as the refocus of the Bundeswehr on national and alliance defence, the future role of SOFCOM must be determined quickly. There needs to be clear political guidance on missions and operations to quickly create a degree of certainty and prospects for the unit. Germany's first-time commitment as a framework nation in the special forces headquarters of the VJTF in 2023 is an initial pioneering step. Moreover, SOFCOM must be set up in such a way that it can plan and carry out multinational special operations in the future. In addition, it must be clarified which tasks will be assigned to SOFCOM within the framework of national and alliance defence, beyond its core mission of freeing hostages and rescue operations.

Moreover, it is important to raise public awareness of SOFCOM and its unique abilities within the armed forces, to report more often about **positive developments** and to recognise the achievements of the unit's servicewomen and -men more clearly than before – both publicly and in the political arena. Against this backdrop, it is especially welcome that a first step in the right direction was taken as part of the reform programme with the opening of the SOFCOM visitor centre on 20 September 2022 in Calw.

As part of the implementation of the reform programme, we must also continue to focus on the principles of leadership development and civic education in the unit. For servicewomen and -men in particular, a fundamental understanding of the political context and the structures of the Federal Republic of Germany is an essential prerequisite for them to be able to internalise the concept of leadership development and civic education and the ideal of soldiers as citizens in uniform.

It is regrettable that the disciplinary processing of the allegations connected with the leaving party for a SOFCOM company commander in 2017 and further allegations of right-wing extremism or on account of the lost ammunition in the unit has still not been concluded. This must now be done without any further delay so that the unit and the service personnel deployed there can come to terms with past events and look forward entirely without burdens.

Recruiting and retaining personnel are like the most urgent challenges currently facing SOFCOM. Further efforts are necessary here due to the naturally very high demands placed upon commando soldiers in terms of their physical and character-related aptitude. The recruitment measures planned by the Bundeswehr, the conversion of the commando candidate model from January 2023, trial days for interested servicewomen and -men and adjustments to the procedure for assessing potential are therefore welcome. In future, the latter is supposed to focus more on untrainable fundamental traits to make better use of the existing potential. With regard to personnel retention, it is also important to strike a balance between the necessarily high demands on the personnel to be recruited, opening up the unit to other interested servicewomen and -men from all areas of the Bundeswehr and increasing the attractiveness of serving in SOFCOM, especially with respect to the compatibility of family and duty.

Moreover, the **outsourcing of SOFCOM training** to the Infantry School in Hammelburg should be taken into consideration. It has become apparent that this leads to various challenges in the practical implementation for the unit, for example in the organisation of the secondment of personnel and stock management on-site. The reintegration of training into the unit should be considered in this regard.

Traditions

The topic of traditions and their cultivation garnered much media attention in 2022, in particular with regard to the military police of the Bundeswehr. *Suum cuique*, the motto of the military police force, can be found on their heraldic emblem. This legal principle – originally passed down through antiquity and which describes the principle of distributive justice – was cynically perverted by the National Socialists in its German form (*Jedem das Seine*, or “to each his own”) and could be read above the main gate at the Buchenwald concentration camp to humiliate the prisoners. For this reason, Dr Felix Klein – Federal Government Commissioner for Jewish Life in Germany and the Fight against Antisemitism – sparked a critical debate about the motto's historical meaning and its use today. In a letter to the former Minister of Defence, he criticised that the inscription was deeply painful and difficult to bear for the victims of the Shoah and their relatives and, as a solution, he therefore called

for *Suum cuique* to no longer be used as the military police motto and for it to be removed from the heraldic emblem of the military police. The Central Council of Jews in Germany also called for the slogan to be removed.

The Parliamentary Commissioner monitored these demands with great interest. Although in principle she did not see a necessity to entirely remove the military police motto, the position of some portions of the Jewish community showed that possibly a stronger historical contextualisation and awareness raising were called for. Because it is a matter of importance for the Parliamentary Commissioner to anchor the Bundeswehr firmly in the centre of society and to promote exchange between the forces, society and policymakers, she invited the Federal Government Commissioner for Jewish Life in Germany and the Fight against Antisemitism to accompany her on a visit to both Bundeswehr Military Police Command at the Scharnhorst barracks as well as the Bundeswehr Military Police and Staff Duty School in Hanover on 26 September 2022. During the visit, there was an in-depth, open and constructive exchange of ideas on the motto of the military police, with the involvement of Jewish and non-Jewish service personnel of the military police force, representatives of the Jewish community in Hanover and active and former servicewomen and -men who are members of the Association of Jewish Soldiers. Together, those on hand visited the military history teaching collection of the military police in the Hauptfeldwebel-Lagenstein Barracks and gained insights into the history and development of the military police force and their motto. After their visit, the participants were in agreement that maintaining the motto would require that it be more clearly **contextualised** going forward and that awareness for its loaded historical use during National Socialism be raised among servicewomen and -men. The Bundeswehr has since expanded the military history teaching collection with corresponding information boards, because the former Federal Minister of Defence decided to not have the identity symbol removed from the heraldic emblem of the military police force.

Among other reasons, the motto was kept because there had been a deliberate distancing from the military police of the Third Reich and from National Socialism when the current military police force was founded. In 1956, the new military police force was named *Feldjäger* after Frederick the Great's "Reitenden Feldjägerkorps" cavalry unit of the Prussian army. The selection of the motto *Suum cuique* has to do with its status as the motto of the Prussian Order of the Black Eagle, the highest order of the Kingdom of Prussia. Nevertheless, more should be done to raise awareness and to contextualise the motto on public websites of the Bundeswehr. The Parliamentary Commissioner expressly welcomes this decision as well as the intended measures to raise awareness.

A further aspect that relates to the cultivation of traditions of the Bundeswehr has to do with the **naming** of military sites and barracks after individuals who have done a great service to freedom and justice through all of their actions or through an outstanding deed. The past of the Federal Republic of Germany is also critically examined and processed in this regard as well, whenever historical contexts and individuals need to be reassessed on the basis of new scientific findings. This process led to seven barracks and infrastructure elements having their names changed in the year under review.

For example, as part of a ceremony on 9 July 2022, the Ostmark Barracks in Weiden were renamed the Major Radloff Barracks, an act which was long overdue. Major Radloff was a Bundeswehr officer who died during an improvised explosive device attack in Afghanistan in April 2010 and who had previously served as the commanding officer of the Army NCO School, which was in Weiden until 2012. The renaming process for the Mudra Barracks in Cologne has also been concluded. Since 2 November 2022, it has borne the name Gereon Barracks in reference to the patron saint of the city of Cologne and also the patron saint of soldiers. The renaming of the Deines Bruchmüller Barracks in Lahnstein was also concluded. It is now called the Rittersturz Barracks. Pursuant to the Directive on Tradition of the Federal Ministry of Defence from 2018, the reference to its former namesakes – two artillery generals of the Wehrmacht – was no longer defensible. The new name pays homage to the Rittersturz Conference, which took place at Hotel Rittersturz in Coblenz from 8 to 10 July 1948. At this conference, which in hindsight is considered a milestone of the founding of the Federal Republic of Germany, the minister presidents of the Western occupation zones at the time discussed the Frankfurt Documents as a constitutional foundation for the structure of the federal Republic of Germany. The barracks in Feldstraße in Kiel, which had previously been unnamed, was named after the resistance fighter and, later, first minister president of Schleswig-Holstein and will henceforth be known as the Theodor Steltzer Barracks. The Chief of the Air Force carried out the naming ceremony for the lecture room block of the NCO school in Appen. The future Feldwebel Laabs Centre bears the name of Feldwebel ("Sergeant") Karl Laabs, who, as a rescuer in uniform and resistance fighter against National Socialist tyranny, should be considered a role model for a

modern and enlightened understanding of tradition. At the barracks of 26 Paratroop Regiment in Zweibrücken, five nameless streets were named after members who had fallen during deployments in Afghanistan and who had previously been stationed in Zweibrücken. The streets will henceforth be known as Hauptfeldwebel-Meier-Straße, Stabsunteroffizier-Behlke-Straße, Stabsgefreiter-Schmidt-Straße, Stabsgefreiter-Sauer-Straße and Hauptgefreiter-Schleiernick-Straße. Since May 2022, a central street at Maintenance Centre 11 on the grounds of Technical Centre 61 in Manching has borne the name of Major-General Horst Krüger, who, as a reconnaissance pilot in the World War II was privy to the resistance plans against Hitler. In addition, he was a thought leader in the multinational strategy of the Air Force and a pioneer of the TORNADO project. He was awarded the Grand Cross of the Order of Merit of the Federal Republic of Germany. In a few other cases, the renaming process has not yet been concluded. This concerns the shipyard in Rostock, which to date is unnamed and whose ceremony to be named Naval Arsenal Warnow Shipyard is planned for 2023. Additionally, the naming of the Upjever air base in Schortens is in the approval process.

The cultivation of traditions also includes singing in the military community. To this end, the existing collection of songs was compiled in the Bundeswehr **Songbook** titled “Kamaraden singt!” in 1991. However, distribution of the book was stopped in 2018, after uncertainties regarding individual songs had arisen among the troops the year before. In petitions and during a troop visit, servicewomen and -men had expressed the desire on several occasions for a new edition of the songbook with ministerial approval. Following several years of revision – both with regard to the selection of songs as well as to the form of publication – the new songbook, including notes and lyrics, was expected to be available in digital form on the extranet of the Bundeswehr during the year under review, along with audio versions and explanations about composers, the origin story and the relevance of the songs for the Bundeswehr. This is still pending, however. Since the 67th anniversary of the founding of the Bundeswehr, the song collection has also included the Bundeswehr’s first own song titled “Ein Teil vom Wir” (“a part of the we”), which the Federal Ministry of Defence officially made public as part of the festivities on 12 November 2022. The song – which deals with cohesion, community and camaraderie, as well as the motivation to serve in the armed forces – honours the servicewomen and -men along with their achievements. This modern and very personal song contributes to traditions and certainly also to the creation of meaning and identity across generations.

Incidents related to the war in Ukraine

The war in Ukraine impacts the strategic direction of the Bundeswehr and its missions, day-to-day operations and the way in which service personnel interact with one another. In a few isolated cases, servicewomen and -men showed solidarity with the Russian invasion or trivialised it. In addition, there were cases in which members of the forces used the war as an opportunity to support the armed forces in Ukraine as a volunteer fighter, or were planning or preparing to do so. Here are some examples:

- *One senior NCO expressed to her fellow soldiers, among other things and either literally or analogously, that “President Putin’s bellicose actions were justified to denazify Ukraine”. The competent instituting authority ordered the initiation of judicial disciplinary proceedings against the servicewoman.*
- *As part of the “Wettiner Schwert” exercise, one junior-ranking serviceman used green adhesive tape to make the letter Z on the windscreen of his vehicle, which symbolises support for the Russian armed forces in the context of the war in Ukraine. Because no intent could be proven on behalf of the serviceman, the conduct was punished as part of simple disciplinary proceedings.*
- *One sergeant of Russian origin wore a personal shoulder bag with his uniform at the barracks. There were two patches on the shoulder bag, one was black with the letter Z in white, and the other featured “I am Russian” in Cyrillic text. The serviceman received a severe non-judicial disciplinary punishment and the proceedings were forwarded to the responsible disciplinary attorney’s office.*

Pursuant to Section 10(6) of the Legal Status of Military Personnel Act, officers and non-commissioned officers are expected to practise restraint in their statements, both on and off duty, in order to serve as a role model and to gain trust as a superior. It is not about discouraging or even prohibiting the expression of opinions about current political or other topics. To maintain discipline and effectiveness of the field units and therefore ultimately to protect the functional capability of the Bundeswehr, they are required to actively stand up for and defend the free democratic basic order, and to exercise prudence and objectivity in their statements if these are

likely to create an impression that the servicewoman or -man is not loyal to the Bundeswehr. Geopolitical events cannot be allowed to influence the cohesion and camaraderie among the troops. It is thus the responsibility of the superiors to communicate the existing legal framework to the service personnel and to accompany their subordinates in the mutual exchange of opinions.

Leadership behaviour

Embodying leadership development and civic education, and using them as the foundation for leadership behaviours and training and educating servicewomen and -men is above all a task of the superiors in the Bundeswehr. A challenging yet respectful and considerate environment in which superiors interact with their subordinates on equal footing and perceive them as individuals is a prerequisite for this.

In the following cases, however, the superiors did not meet the requirements of good leadership:

- *As part of a new battalion-wide fitness programme, an acting troop commander wanted to urge athletic performance by giving a “red lantern”, verbally at first, to the platoon with the slowest runner. Later on, the slowest runner was given a real red lantern with the inscription “travelling lantern of shame”. Their element leader was supposed to carry this lantern to every company parade until the next training session. After a corresponding instruction from his fellow commanders, the acting troop commander collected the lantern, expressed his regret and emphasised his intention to motivate. It would have been appropriate to order a non-judicial disciplinary punishment in this case.*
- *Members of one platoon were supposed to empty and clean out the pond in front of the platoon building. Once a low water level had been reached, the platoon commander ordered the service personnel to remove their socks and shoes and get in the pond within ten seconds. One serviceman did not manage this within the stipulated time, whereupon the platoon commander ordered all members of the platoon, some of which were still in the building, to enter the pond. The soldier who had been too slow was to stand on a platform and watch the others clean the pond and thank them for doing so. Due to this and other allegations, a preliminary disciplinary investigation was initiated against the platoon commander by the disciplinary attorney’s office.*

The stigmatisation of those with weaker performance blatantly contradicts the principles of leadership development and civic education. Encouraging working together as a team is part of modern leadership. **Collective punishments** have the opposite effect, because the person whose supposed mistake causes the punishment is then ostracised. In addition, a collective punishment has the potential to turn platoon members against one another, divide them and undermine camaraderie. Dealing with and, ideally, eliminating weaknesses and limitations of individuals is much more successfully accomplished in an environment shaped by camaraderie than in one shaped by fear and assigning blame. It is therefore necessary to build upon the strength of the group and overcoming burdens with the mutual support and encouragement of individual strengths. This also strengthens mutual trust, which is particularly important in operations.

Unfortunately, time and again superiors make use of intimidation or even insults as a means of command and control. It is even worse when superiors feel secure in this behaviour because there is a lack of the necessary **command supervision** and structural problems establish themselves:

- *A section leader is alleged to have frequently called his subordinate servicewomen and -men things like “spaz”, “retard”, “dumb” and “incompetent” in the presence of fellow soldiers and to have called the platoon “son-of-a-bitch platoon”. He is alleged to have threatened to hit one junior-ranking serviceman in the “bollocks” for each day that he had not requested to extend his service period, and then to have followed through with the threatened action in the presence of fellow soldiers. Other junior-ranking servicemen are said to have been hit on the back of the head for making perceived mistakes. In spite of this sergeant’s behaviour being reported to the platoon commander, he did not want to intervene before something was submitted in writing. The servicewomen and -men concerned ultimately turned to the chaplaincy. Judicial disciplinary proceedings were initiated against the serviceman.*
- *One senior NCO is accused of repeatedly insulting servicewomen and -men, becoming violent and, among other things, throwing glass bottles around during several festivities. His vocabulary included things like “beat your face in”, “break your fucking face”, “bastards”, “mongoloids”, “morons” and “idiots”, as well as “cow like a sack of rice” and “cleaning lady” in reference to one servicewoman. In addition, he is*

alleged to have told this servicewoman that she was a “new CBRN plug for the Wiesel tank”. Judicial disciplinary proceedings have been brought against the serviceman; he has been suspended from duty for the time being.

- *Two junior-ranking servicemen repeatedly drank alcohol on duty, one of whom also consumed narcotics. One of them, while drunk, hit several fellow soldiers. The other spat in the boots of a fellow soldier and did other disgusting things. Severe disciplinary punishments were ordered against both servicemen, and they were banned from performing duties and wearing their uniform. The request for summary dismissal, which is possible within the first four years of service, of one of the servicemen also submitted by his disciplinary superior was unsuccessful because the serviceman was in question was already in his fifth year of service.*

Effective command supervision and targeted intervention in the case of grievances such as those described are indispensable. Giving servicewomen and -men the feeling that they can address problems with their superiors openly and in confidence makes command supervision easier. Similarly, superiors have the opportunity to openly and directly communicate criticism and expectations to the service personnel under their command. Moreover, platoon, company and squadron commanders would do well to occasionally actively approach the soldiers under their command, in particular the spokespeople, to recognise undesirable developments at an early stage and to be able to take effective countermeasures.

These principles apply **on deployments** in particular, where soldiers live together in close quarters and where the internal collaboration of the field units must be ensured:

- *One senior officer complained that a contingent commander accused him of laziness in the presence of his subordinates and threatened him with repatriation. According to the responsible spokesperson, the superior had also cultivated a culture of “leadership through fear” since the petition had been submitted. The investigation confirmed the accusation of the senior officer and also revealed that the contingent commander had said the following to another subordinate: “How dumb are you that you don’t even know what you’re talking about (...)?” While the responsible disciplinary superior did not qualify any of these remarks as a disciplinary offence and decided not to order a disciplinary measure, the Ministry of Defence considers the second remark to be a breach of duty. At the same time, the ministry determined in general that the contingent commander’s leadership style and tone in interactions had disrupted the structure of the contingent.*

It is difficult to understand how, in light of the defamatory nature of the remarks, the disciplinary superior was unable to determine a disciplinary offence. The behaviour of the contingent commander, which is unacceptable and not compatible with the principles of leadership development and civic education, continued to burden the atmosphere even months later during a visit of the Parliamentary Commissioner to the follow-on contingent.

Excessive harshness in training

In 2021, the Federal Ministry of Defence concluded the Training AGENDA, which comprises, among other things, skills-based training – a practical and action-oriented preparation for deployment. The internal attitude of the students and teachers is of crucial importance for this training. The refocus on national and alliance defence in particular demands well-trained servicewomen and -men of strong character who embody camaraderie, who are decisive and who have perseverance. And all this has to be represented and strengthened as part of a realistic training course.

However, some instructors find it difficult at times to place high expectations on the trainees without overwhelming them:

- *During CBRN defence training as part of an NCO training course which was carried out in protective suits including NBC protective masks with screw-on training filter, the instructor sent four servicewomen and -men to run and retrieve missing items of equipment from the accommodation building. Shortly after arriving there, one of the servicemen vomited and briefly lost consciousness; a female NCO suffered an attack of faintness. The emergency services, which were called immediately, did not consider additional medical measures to be necessary. The instructor, a reserve officer, stated that he had not intended to harm anyone, appeared concerned and apologised to the entire lecture hall. He was relieved of his function as lecture hall supervisor and instructor. The disciplinary attorney’s office is carrying out preliminary investigations.*

It is even worse when instructors make use of **harassment** to discipline their subordinate servicewomen and -men:

- *Negligence had been noticed during room inspection for a basic training platoon. As part of a special reformatory measure, the servicewomen and -men whose lockers had been left unlocked were supposed to check whether their personal equipment was complete and to bring the materials to the basement for the check. A supervising NCO is said to have ordered at least two of his subordinates to temporarily wear an NBC protective mask, even while walking to the basement. If they did not make it to the destination in the specified times, they had to repeat the journey. Disciplinary proceedings have been initiated against the accused. The investigations had not been completed yet by the end of the year under review.*
- *A senior NCO removed the unlocked door to the room of two of his subordinate junior-ranking soldiers and took it to another floor. He then ordered them to retrieve the door and to reinstall it. In addition, during a room inspection, he tipped over the unlocked locker of a junior-ranking soldier against the bunk bed next to it, so that the equipment inside spilled out and had to be put back in. Moreover, during morning exercise, he ordered recruits in his squad to do 30 push-ups with their FFP2 masks on. A non-judicial disciplinary punishment was imposed upon the serviceman.*

An entirely false understanding of practice-oriented and demonstrative training was obviously the basis for the following behaviour:

- *During a military law lesson on the topic of orders and obedience, an instructing officer is said to have handed a rifle, which was not obviously unloaded, to a junior-ranking servicewoman and ordered her to use it to shoot another soldier. She refused. The instructor is then said to have pulled a P8 pistol, which also was not obviously loaded or unloaded, and aimed it at the junior-ranking servicewoman and repeated his order to shoot her fellow soldier. When the junior-ranking servicewoman refused again, the instructing officer pulled the trigger of the pistol which was aimed at the servicewoman. A disciplinary court order with a debarment from promotion was issued against the serviceman. He had already been assessed with a fine by the local court.*

The servicewoman was right to repeatedly disobey the order. It should have been clear to the instructor that his obviously intended demonstration of the limitations of the duty of obedience was absolutely in appropriate. Such behaviour from an instructor is inexcusable and contradicts all of the principles of modern leadership.

Lifesaving acts and acts to help others

As humble heroes largely unnoticed by the public, servicewomen and -men perform exemplary deeds every day by saving lives, providing first aid or otherwise assisting those affected by accidents or emergencies of all kinds as an absolute matter of course – and mostly while not on duty. This support is often provided in silence. Many soldiers acting in such exemplary fashion would not even think to mention their deeds or to inform their superiors. But they can never receive enough thanks for their deeds. In the year under review, the Parliamentary Commissioner was notified of a total of 232 reports of such lifesaving acts and acts to help others.

The majority of those – 135 events – were cases where first aid and support were provided for **traffic accidents**. If servicewomen or -men come across the scene of an accident or witness the accident themselves, they generally take immediate action by analysing the situation and, for example, calling the rescue services, initiating relief measures, securing the accident site and calming those affected. The examples listed in the following demonstrate the outstanding dedication of the servicewomen and -men:

- *A severe traffic accident involved a 34-year-old woman who had a head-on collision with a lorry travelling in the opposite direction. A corporal who had been one of the first to reach the scene immediately called the rescue services and assumed leadership by directing the others who had come to help. He first retrieved the 14-year-old daughter from the vehicle and then turned to help the driver, who was trapped in the vehicle with severe injuries. He took lifesaving first-aid measures and supported the rescue services in their efforts. Without his actions, the driver would have died at the scene of the accident.*

Sometimes the assistance of the troops takes place abroad:

- *One warrant officer II who was stationed in Lisbon was on his way back from a holiday trip in Portugal and encountered an accident site where a pregnant woman had driven into the ditch and was not responsive. After the serviceman had not been able to find the woman's pulse or signs of breathing, he freed her from the car with the help of a civilian witness and resuscitated her until the rescue services arrived. The woman survived thanks to the immediate professional action of the senior NCO.*

The following case – in which an unknown person took advantage of a serviceman's concentration on providing assistance in a despicable manner – is shocking:

- *A petty officer had witnessed a severe traffic accident involving three vehicles and eight injured persons, and he stopped immediately to provide first aid. Other drivers who had passed the scene before him simply drove by without paying the accident any attention. While he was helping until the arrival of the rescue services and beyond, a combat bag with service and civilian equipment was stolen from his own car.*

Servicewomen and -men also prove their **civilian courage** and help people in need in other situations outside of road traffic. The Parliamentary Commissioner received 97 reports of such cases in the year under review.

- *When several men were assaulting and injuring an employee of the city of Gera's office of public order one evening, a sergeant in civilian clothing stepped in to protect her. The men then called him a "traitor to his people".*
- *After the terrible train accident on 3 June 2022 near Garmisch-Partenkirchen with five dead and 68 injured, the public was able to see on a large scale how energetically members of the armed forces take on responsibility and act in emergency situations. On that day, the train passengers included 18 servicewomen and -men who immediately took action after the train had derailed and cared for the injured, made contact with the rescue services in front of the carriages and provided support in the evacuation of the train. Other soldiers who had witnessed the accident from the national highway running parallel helped from the outside with the rescue efforts and caring for passengers. This dedication of the troops and above all the calm and cool-headed actions was praised by not only the civilian rescue services. National media also widely reported the details of the assistance provided by the servicewomen and -men.*

It should not be underestimated how often members of the armed forces literally save people from death with their quick, routine and effective actions. In the year under review, servicewomen and -men were documented to have saved the lives of **54 people**, although most reports do not include the outcome of the aid and rescue efforts and the actual number is probably higher. The following examples are merely another sampling of the countless exemplary deeds of the troops:

- *During a civilian football tournament, two players collided so forcefully while fighting for a header that one of them immediately fell to the ground and was no longer moving. One of the coaches, who is also a sergeant in the Bundeswehr, quickly recognised that the player had swallowed his tongue and was in danger of choking. Using a cleat wrench, he managed to pull the player's tongue from his throat and thus saved his life.*
- *When a 15-year-old S-Bahn surfer in Berlin fell down from the roof of the train in between two carriages during a stop and was run over, a private immediately provided first aid. According to the thank-you letter from the Federal Police, the courageous and selfless actions of the junior-ranking soldier had likely saved the adolescent's life.*

Civilians are often overwhelmed in the event of accidents and injuries – they do not know what they can do or, in the worst case, do not respond at all. One example:

- *A lieutenant colonel witnessed a 90-year-old man struggling to breathe and collapsing in front of a dentist's office. While no other passers-by stepped in, the serviceman took the initiative and determined that the man no longer had a pulse and was not breathing. He immediately started cardiopulmonary resuscitation and demanded that the bystanders call the emergency services. He continued with resuscitation until the rescue services arrived, thereby saving the man's life.*

The Bundeswehr offers various possibilities for superiors to **express their appreciation** for their subordinates. These range from formal commendation, which can come with the granting of special leave, through to the presentation of medals and decorations. There are two special types of decorations in the Bundeswehr which are

particularly appropriate for honouring lifesaving actions. The Silver Cross of Honour of the Bundeswehr with red edging is intended for outstanding achievements, in particular outstanding individual deeds. If such deeds are undertaken at the risk of the soldier's own life and limb, the Gold Cross of Honour of the Bundeswehr with red edging could be considered. These decorations are quite deliberately intended to stand out externally and to set their wearers apart from those representing loyal performance of duty and above-average achievements. The special gold form, of which 31 were presented in the year under review, thus generally recognises outstanding individual deeds on deployment abroad, while the special silver form, which the ministry awarded 47 times in 2022, is primarily given for lifesaving and first-aid acts in Germany.

Among the reports received by the Parliamentary Commissioner about servicewomen and -men who saved the lives of others, it stands out that recognition of this service is in part very different. It would be desirable to honour the saving of lives in particular in a somewhat similar manner throughout the Bundeswehr:

- *When a road worker had his leg severed in a traffic accident, one sergeant who was one of the first to reach the scene on his way home, recognised the utmost urgency of taking immediate action. By using his belt as a tourniquet to cut off the flow of blood from the leg, he managed to stop the bleeding of the severely injured road worker in time. Thanks to his quick and proper action, the serviceman likely contributed to the survival of the injured road worker. According to information from the responsible unit, the serviceman received a thank-you letter from the police headquarters as well as “appreciation as part of a personal talk with the squadron commander”.*

The brave and effective actions of the soldier is exemplary and could have surely been an occasion for a symbol of greater appreciation. In this regard, those responsible are called upon to make use of the full scope of possible honours and distinctions offered by the regulations to demonstrate appreciation for lifesaving actions.

Additionally, the processes should be streamlined so that the honour can be bestowed in a **timely** fashion following the event. The following case proves that there is room for improvement in this respect:

- *In the night of the horrible flooding in the Ahr valley from 14 to 15 July 2021, a captain used a canoe and risked his own life to save the lives of no fewer than seven people, including a severely disabled person. To honour this truly heroic deed, his disciplinary superior requested that the serviceman be awarded the special Gold Cross of Honour of the Bundeswehr. Due to turnover in personnel as well as illness-related absences along the official channels, the recommendation was not received by the Ministry of Defence until 15 November 2021. There, it took two months for the former Minister of Defence to approved the request on 11 January 2022. As the final hurdle, due to the government changeover, new certificates with the facsimile signature of the former minister had to be made, which in turn took until the end of February 2022. On 10 March 2022, the captain finally received the special Gold Cross of Honour of the Bundeswehr as part of a ceremonial muster and without the presence of those whom he had rescued.*

Through his courageous actions, the captain demonstrated the best characteristics which a soldier can have. Awarding him the highest decoration that the Bundeswehr has for such outstanding achievements was therefore also an expression of the pride and thankfulness for having such a soldier in the service. The fact that processing took nearly eight months from the time of the heroic rescue and the presentation of the decoration does not correspond with this message. Instead, such an overly time-consuming process risks giving the impression that the Bundeswehr is not aware of the outstanding individual deed and does not recognise it. This can lead to frustration and dissatisfaction for the service personnel in question and have the opposite effect of what was actually intended. The Bundeswehr must act more quickly in this respect.

The servicewomen and -men who often support, protect or even save their fellow humans – as a matter of course and without much ado – have earned our utmost thanks and respect. Their exemplary achievements, often outside of their duties, deserve praise and recognition.

8. Infrastructure

The Bundeswehr's infrastructure has seen better days – and the process of decline set in well before the year under review. Previous annual reports have regularly highlighted shortcomings in and damage to properties. Even though there are some positive reports about refurbishments being finalised, a new building being completed or creative solutions being found, for example for dilapidated sanitary facilities, there are still too many barracks in Germany in a deplorable condition. For most of the examples given in past annual reports,

nothing much has changed. This is not about luxuries, but items normally taken for granted, such as working toilets, clean showers, recreation areas, mess halls and WLAN, which every servicewoman or -man should be able to expect as a sign of appreciation, respect and recognition for the troops.

Construction flaws and delays

The Bundeswehr has recognised this in many cases and is making efforts to set projects in motion. However, the duration of infrastructure projects and the repeated delays to completion dates are at times causing despair:

- *As recently as in 2018, the Bundeswehr expected the trio building at the Army Training School at the Aachen location to be completed in 2025. Completion of the buildings is now not anticipated before 2031.*

There is a clear need for action at the **Idar-Oberstein** location, which has two artillery barracks, as the Parliamentary Commissioner for the Armed Forces found during her field visit in March of the year under review:

- *The barracks, which is used by the Artillery School, is sadly a prime example of the poor condition of Bundeswehr properties: it is obvious that this barracks has been in use since the 1960s without any substantial renovations having been carried out in the meantime. 85 per cent of the building fabric needs renovation or is completely unusable. Visible problems included leaky windows, water damage resulting from burst pipes and damage to the roof, unusable sanitary facilities and accommodation in an unacceptable condition. Servicewomen and -men on site reported that the situation in the mess hall was critical, that working conditions and mess hall equipment were in need of upgrading, and that hygiene and building requirements could lead to the closure of the kitchen at any moment. The ceilings of the repair and maintenance halls had been at risk of collapse since 2018 and work had repeatedly had to be paused for a while because of this risk, which is why Heeresinstandsetzungslogistik GmbH was unable to meet its contractual obligations to provide repair capacity. It was also reported that, at the same time, a building on which EUR 700,000 had recently been spent for items such as new windows was taken out of use shortly afterwards because of serious defects. It had not even been fit for use to isolate infected people during the Covid-19 pandemic. Approval of a new filter system for the existing swimming pool was refused, because the future facility-based expansion plans did not make provision for a swimming pool, and this would result in its closure in the short or medium term. A comprehensive expansion, conversion and renovation concept had been prepared a long time ago, and initial construction work had been scheduled to start back in 2019. Nothing had happened, however, and construction was not expected to start before 2023. This was down to lengthy, bureaucracy-heavy procedures, a lack of pragmatism and the large number of players involved. For example, an infrastructure round table had been attended by 35 people representing 35 different agencies and offices involved. The officials acting for the Parliamentary Commissioner reported with utter resignation that, in an “ideal case”, the barracks would reach its target structure by 2042 – that is almost 20 years from now.*
- *The Klotzberg Barracks, which houses the 345 Artillery Training Support Battalion as its main user, underwent its last complete refurbishment in 1985 – almost 40 years ago; the last partial refurbishment was in 2008. The retaining walls of the buildings, some of which are of historical importance, are in need of refurbishment and pieces of masonry have repeatedly been at risk of breaking off. Certain sections of the wall have therefore been propped up with sandbags. Many of the sanitary facilities date from the 1980s. An upgrade of outdated waste pipes has been ongoing since 2015 and is expected to be completed only in 2027.*

The condition of both barracks is intolerable, particularly since they are also used for international training courses. Completely understandable criticism has been voiced that barracks commanders are hardly able to carry out and manage such challenging infrastructure projects as a second or third priority alongside their original responsibilities. This requires **full-time personnel** who ideally have completed suitable prior training and obtained qualifications, such as engineering studies or vocational training. In addition, the Bundeswehr should make full use of its pool of reservists with construction-specific qualifications to be in a better position to provide support in this area as well.

Another example of the blindingly obvious need to work on the infrastructure is the **Institute for Microbiology** of the Medical Academy in Munich. The Institute is housed in an asbestos-contaminated building dating from 1936. Even the entrance to the Institute is in a dilapidated, ramshackle state. The following impression that the

Parliamentary Commissioner for the Armed Forces gained during a field visit in May of the year under review aptly describes the entire building:

- *The servicewomen and -men reported among other things that the ventilation and heating system was not working properly and that mould was not a rare occurrence. In a screened, secured laboratory, servicewomen and -men conduct cutting-edge scientific research. Yet even here, the poor structural condition, which also affects working conditions, is impossible to ignore. The cooling unit for the research materials has become so outdated that its failure is expected at any moment; this would lead to the removal of these materials to institutions outside the Bundeswehr and put paid to the Institute's ability to do its work. It was hardly surprising therefore to discover during the walkabout that the employees of the laboratory have to make do with a 28-year-old dot-matrix printer, whose ribbons they regularly wash and reink by hand.*

According to information provided by the Ministry of Defence, completion of the new building for the Institute, which had originally been intended to be ready for occupancy in 2024, was now only expected in 2032 because of a change in the requirements planning. The containers planned as an interim solution because of the asbestos in the ceilings of the existing building, had not been provided due to financial considerations. However, all the requirements for driving the new construction project unconditionally had now been met. The Ministry further revealed that a new ventilation system would be installed in all the Institute's laboratories and the asbestos would be removed by the end of 2022. A new printer would be procured and the cooling system would be replaced to ensure proper functioning.

At the **1 Surface-to-Air Missile Wing in Husum**, the Parliamentary Commissioner for the Armed Forces encountered a "prime example" of misguided planning:

- *As far back as 10 years ago, a decision was taken to relocate the training centre (located in El Paso (USA) at the time) to Husum. The move was subsequently completed, even though the site did not have the requisite buildings. Although the new building at the Husum-Schwesing Air Base had eventually been completed in the year under review, it was reportedly not ready for occupancy because of problems with the pellet heating system. Apparently this type of heating was not suitable to ensure that the showers and cooling ceilings of the training centre work in the summer and an additional alternative heating system was required. This meant that workarounds were still having to be used for important training events, and this had increasingly led to frustration among trainers and training course participants over the years. Other complaints about the infrastructure at this location related to, among other problems, asbestos-contaminated halls where servicewomen and -men had to carry out maintenance work and which had not seen any refurbishment progress for three years. Another point raised related to the sanitary containers, which had initially been installed as a temporary solution, but had meanwhile been in use for six years and were expected to remain in place until 2027. Last but not least, the location had no mess hall, which meant that meals had to be delivered from outside. It had no suitable communal areas either and the fitness facilities were too small as they could only be used by four persons at a time.*

The field visit to the **Air Force Officer School** in Fürstenfeldbruck demonstrated the consequences of discontinuing infrastructure investments because relocation was planned but had been delayed by several years:

- *In this case, the School's relocation to the Roth location, which had been agreed in 2011, has so far failed to materialise. Among other things, servicewomen and -men reported that the technical equipment for training was outdated and that it had taken two years to install simple kitchen counters or a satellite dish to make existing televisions usable. At times, only two working toilets were available for 20 to 30 people.*

These kinds of problems can also arise when a location faces possible closure, which is ultimately not realised. Experience has shown that any refurbishments required are paused during the years of uncertainty. The **161 Logistic Battalion in Delmenhorst** faced such a situation.

It is particularly hard to deal with situations where interim solutions are difficult to implement or prove not to be workable, as is the case at the **Elb-Havel Barracks** in Havelberg:

- *In the view of the servicewomen and -men, the large size of the property necessitates better provision of sanitary facilities. To improve the situation in the technical area of 803 Armoured Engineer Battalion, the barracks commander had a sanitary container installed in March 2021. It was, however, barred from use right from the start, because its decentralised operation initially did not meet the requirements of the*

Drinking Water Ordinance. Only the involvement of the highest command and administrative authorities enabled the container to be connected to the central water supply and sewerage system, which was to have been completed by the end of the year under review.

Interim solutions were also required in July 2021 as a result of the impact of the flood disaster in the Ahr valley and in the southern parts of North Rhine-Westphalia, which affected Bundeswehr properties such as the **Tomburg Barracks** in Rheinbach:

- *Water filled the basement of building 38 and permanently damaged and destroyed the existing infrastructure. In addition, the high levels of moisture that developed led to the spread of fungus, which contaminated the entire building. It is clearly regrettable that, by the end of the year under review, it was not possible to find suitable alternative properties for the benefit of the servicewomen and -men affected, where they could continue to do their duty until the building was restored. The Federal Ministry of Defence estimates that an alternative building in Bonn Bad Godesberg will at least be ready for occupation by 1 March 2023.*

All the examples show the urgent need for action that prevails at a large number of properties. The Bundeswehr has clearly defined tasks, and the troops are willing to carry out their duties. However, to do so, they have to rely on their employer to provide the necessary conditions. In addition to the materials and equipment required, this means above all an appropriate and suitable workplace. Although it is not exclusively in the hands of the Ministry of Defence to remedy this situation, it has prime responsibility for the servicewomen and -men and should work intensively with all involved to speed up progress in this regard.

The progress made to date in the **digitalisation of gunnery training** on the Bundeswehr's training grounds has not been very encouraging. Based on plans issued in 2021, the Munster and Bergen training grounds will only be digitally connected in 2028. Meanwhile, the Ministry of Defence expects a delay of at least two years. The pilot project, the upgrade of the 3 shooting range in the Bergen training area, was originally to have been realised between 2023 and 2024, but implementation is now expected in 2025 at best. Among the many reasons for this delay, the most salient was the combination of strict infrastructure requirements and the involvement of the federal state building authorities in this project. It is particularly encouraging therefore that, at the end of October 2022, the package of measures to upgrade the 3 shooting range was given the highest possible priority, and the FOBwIEPS has revised the work schedule and infrastructure measures accordingly. Project management in the FOBwIEPS has intensified consultation with the FOBwEITISS, and both the environmental impact assessment and the technical exploration of ways of disposing of explosive ordnance were completed in 2022. In the first half of 2023, explosive ordnance is to be cleared and the final construction work planning is to be launched. The Lüneburger Heide building authorities are providing a dedicated project team to ensure rapid implementation. However, these measures have not accelerated the project in any significant way. But, unlike in previous years, the completion date for the construction measures, which is now expected by the end of 2025, seems to be based on a secure schedule, especially since investment and infrastructure measures have been coordinated and the Ministry of Defence believes that funding is therefore guaranteed. Although the multi-purpose building will not be completed by then, there will instead be a good temporary container solution.

In addition to the purely service-related infrastructure, it is important for the properties to offer an adequate choice of **physical training** and other **leisure activities** in good working order. This is not always the case:

- *One officer rightly complained about the closure of the small canteen in May 2022 and the inadequate sports facilities at the Federal Office of Languages in Hürth. A multi-purpose hall on this property has been closed for ball games since 2019 and a beach volleyball field has been unavailable since 2017. Although there are plans to rehabilitate the building and playing field, completion of this project is only expected in 2023.*

This raises the question why a rehabilitation measure that seems quite limited in scope, at least from a lay perspective, should take four years until the sports facility can again be used as intended. The subsequent additional closure of the small canteen marks a sad highlight of the loss of MWR-specific facilities at the Hürth location. In addition to Bundeswehr servicewomen and -men, a large number of foreign comrades also attend the language training provided by the Federal Office of Languages. For camaraderie and cohesion among training course participants, it would be extremely important if during their free time they had the option to have fun and communicate with each other in working MWR facilities in order to expand and deepen the acquired language skills in informal settings as well.

- *The swimming and rescue training hall at the Heppenser Groden Naval Base in Wilhelmshaven, which was completed in 2017, has been closed again since 2018 because of construction defects. Even back then, the Ministry of Defence was not expecting the facility to reopen before 2021. The Ministry has had to adjust this date several times since then. As at the end of the year under review, the reopening was promised for mid-2024.*

This is another case that clearly highlights the existing shortcomings. It will in all likelihood take almost six years at least to correct construction defects at a new swimming pool that took four years to build and operated for barely ten months.

Even worse is the situation at the swimming pool for **combat swimmers** in Eckernförde:

- *Refurbishments that had started in 2010 and had therefore gone on for more than twelve years had still not been completed by the end of the year under review. According to the Ministry of Defence, diving is at least expected to be possible again in Eckernförde in 2024.*

It makes sense to keep existing physical training facilities such as swimming pools in working order so that servicewomen and -men can maintain and build up the levels of fitness required to perform their tasks. Some sports facilities can only be successfully renovated by spending considerable sums of money. The Ministry of Defence should therefore investigate an approach of harnessing synergies, for example by considering canvassing the appropriate local authority for the potential joint use and funding of a swimming pool. Its range of users could then be expanded by including residents in the local authority.

The Bundeswehr is in some cases still dragging its feet in providing adequate and reliable **WLAN networks** on its properties. This is hard to understand in today's digitalised world. The situation encountered by the Parliamentary Commissioner for the Armed Forces at the Bundeswehr University Munich or at the Bundeswehr Hospital Ulm explains the urgency:

- *The WLAN network in the older accommodation buildings at the Bundeswehr University is only mediocre because of steel construction walls. What is more, due to full-length mirrors on the doors to the rooms, residents do not have any WLAN reception at all when the door is closed. To use the internet, they either have to leave the door to their room open or step into the corridor. That led to a major problem, especially during the Covid-19 pandemic, when training was held exclusively online.*
- *According to statements made by servicewomen and -men, the Bundeswehr Hospital Ulm does not provide WLAN for either employees or patients. The lack of access is said to have an impact on the ultra-modern medical equipment, which could use WLAN to exchange diagnostic, maintenance and update data with manufacturers. This kind of work now always requires visits from engineers.*

Existing buildings are worth preserving at many locations. This requires **forward-looking plans** to avoid giving up on them prematurely:

- *Following considerations of economic efficiency, the Bundeswehr intends to sell in the long term an open mess listed as a building of historical interest at the Lüneburg location, which has to date been used for catering purposes, and to maintain the building only until a new building has been completed.*

In view of the major uncertainties affecting the completion of new buildings, it should reconsider this approach and instead incorporate the existing attractive building into a long-term utilisation concept. It would be better advised to use the funds currently earmarked only for basic refurbishments for the continued utilisation of the building. Furthermore, the Bundeswehr should always put more effort into examining existing buildings worth preserving to establish whether they can be used in the long term.

Forward-looking planning is important for refurbishment and new construction projects so that upcoming Bundeswehr developments can be addressed as soon as possible. The reverse also applies. Preparation for structural decisions should always also include a review of the specific options for realisation. This applies in particular to the provision of sufficient additional accommodation if there are plans to increase the size of the unit:

- *One company sergeant rightly complained that, due to the planned establishment of another company in the 610 Signal Battalion in Prenzlau, there was a risk of a shortage of 4,000 square metres of residential and other usable space. According to information provided by the Federal Ministry of Defence, this has been taken into consideration by planning the construction of two new accommodation buildings, with overall*

completion scheduled for 2027. As an interim solution, there were plans, for example, to use a building originally earmarked for demolition, which would have to be renovated specifically for this purpose.

It is not unusual to have to prioritise **accommodation needs** in such cases. It should be viewed critically that, as a consequence, this may lead to the revoking of permissions to voluntarily live in government accommodation for servicewomen and -men if they are not required to live in official accommodation. However, especially commuters often find it difficult to find affordable rented accommodation at their locations. It is generally of critical importance to take adequate account of the interests of both the servicewomen and -men housed in government accommodation and those living away from the barracks. That was missing during the planning and implementation of a new HQ building for the Technical and Flying Group of the 73 Tactical Air Wing “Steinhoff” at the **airport in Laage**:

- *Servicewomen and -men not living in the barracks there complained that the planned new building had neither changing and locker rooms nor showers where, for example, they could change for physical training and subsequently wash and refresh without having to visit the sports hall three kilometres away. The Ministry of Defence argues that in new buildings it never has to provide space for such needs of servicewomen and -men not required to live in official accommodation.*

The Ministry’s attitude is hard to understand and fails to address the reality of service for the troops and the requirements placed on them. The Bundeswehr itself regularly refers to not always having enough accommodation options at the properties. The result is that often only servicewomen and -men required to live in official accommodation can be housed there, while the majority of comrades have to live away from the barracks. The latter should, however, also enjoy the best possible working conditions to perform their duties. It is hard to understand why communal rooms are not included, especially in a new building that should be tailored to the needs of the servicewomen and -men.

Another solution would be to redouble efforts to provide a room in the barracks for servicewomen and -men not required to live in official accommodation. This is because high rents in the housing market, especially in urban centres, and sharp rises in energy costs present a growing problem for commuters. In view of the increasing need for short alerting times as a result of the altered security situation, this would also benefit the employer. In addition, the Bundeswehr should consider a review of the entitlements to separation allowances.

A good example of the swift construction of new accommodation is the Knüll Barracks in Schwarzenborn (Hesse) with its **modular buildings**:

- *Six accommodation buildings with 378 individual accommodation units were built there using a modular construction method, which speeds up the construction process. Servicewomen and -men of the 1 Light Infantry Battalion were able to move into the first fully furnished buildings in July of the year under review. The construction project had therefore taken less than two years to implement. The Ministry of Defence additionally reported that, given the extremely positive experience made with this project, it was planning to build similar accommodation at four other locations in Hesse. It also wants to create the conditions for gradually rolling out the modular principle used in Hesse to the whole of Germany.*

There are other rays of hope in the area of infrastructure:

- *One example worth mentioning is the newly constructed firing range in Donaueschingen. Considered one of the Army’s most modern firing ranges, it allows the 292 Light Infantry Battalion stationed there to receive state-of-the-art gunnery training. It is only a short distance away and the way it is built protects the surrounding area from noise.*
- *During a troop visit in Pfullendorf, the Parliamentary Commissioner for the Armed Forces could see for herself the good infrastructure of the Special Operations Training Centre. The accommodation standard is largely up to date there, and there is a modern auditorium building. Moreover, at an off-base storage site, a group combat range and a climbing garden used for training purposes are also available.*
- *During a troop visit to the CBRN Defence, Safety and Environmental Protection School in Sonthofen, the Parliamentary Commissioner found that the ongoing conversion of the Colonel General Beck Barracks in compliance with listed building regulations would create modern working and accommodation conditions in line with requirements.*

Federal state building authorities

The Ministry of Defence has budgeted planning costs of over EUR 24 billion for the many urgently needed infrastructure measures; of this total, an amount of EUR 10.6 billion is to be realised for plans by 2025. However, this includes neither the cost of energy-efficient refurbishment nor inflation-driven cost increases for personnel and material. The total amount of infrastructure expenditure should therefore be estimated at EUR 50 billion.

The provision of funding is, however, only one aspect. Another is a considerable backlog of many construction projects and the insufficient utilisation of funds for infrastructure measures. In this context, the Ministry of Defence reported that in 2016 to 2021 it had only been able to spend around EUR 941 million on average per year; for 2022 it quotes an amount of around EUR 1.06 billion. Measured against the total amount of EUR 50 billion, it would therefore take approximately **50 years** to complete the modernisation of the Bundeswehr's current infrastructure alone.

This is mainly attributable to the high levels of capacity utilisation at the legally competent federal state building authorities, where frequently observed high workloads combined with personnel shortages lead to long delays in the completion of construction projects for the Bundeswehr. The construction boom seen throughout Germany unfortunately means that the personnel and order situation in federal state building authorities is often inevitably classified as a "bottleneck".

For example, the Rhineland-Palatinate federal state building authorities apparently implement construction measures worth EUR 6 billion to EUR 9 billion per year. However, as total combined infrastructure investments in the properties of the Artillery School and 345 Artillery Training Support Battalion in Idar-Oberstein alone amount to EUR 390 million, it seems completely illusory that the measures required there will be implemented in the foreseeable future.

The situation is similar at the federal state building authorities in Lower Saxony:

- *The construction of a building for the medical centre of the Rapid Response Medical Service Command in Leer (Ostfriesland) will not be completed for a long time. According to information provided by the Ministry of Defence, the capacity constraints of Lower Saxony's federal state building authorities rule out any expectation that the construction measures will be able to start before 2030.*
- *During a troop visit to the 414 Tank Battalion in Lohheide, the Parliamentary Commissioner for the Armed Forces was told that this binational formation would get a dedicated unit to pool the Dutch and German supplies. The build-up of personnel for the new 6 Battalion had already begun and was expected to be completed by 2025. While offices and accommodation were ready, there would be a considerable delay in the construction of the required working area. A review of the situation revealed that further detailed planning of the construction measures already set in motion was again not possible at present because Lower Saxony's federal state building authorities had reached the limits of their capacity. Based on the forecast issued by the Ministry of Defence in the year under review, construction is expected to start only in 2029 and be completed in 2032.*

These kinds of figures make the need for change and action tangibly clear. Although it is positive that an interim solution has been promised that the supply unit can work with until then, it is counterproductive on the other hand that the renovation of existing buildings costs money that could be used more sensibly elsewhere.

Since demand in such cases is unavoidable, there is an urgent call on the German Bundestag and the Federal Government **to consider amendments to the legal framework conditions** for Bundeswehr construction projects. This could be modelled on the LNG Acceleration Act and the draft of the law for the acceleration of administrative court processes in infrastructure of December 2022, although they relate primarily to energy projects. Similar statutory arrangements to accelerate infrastructure projects of the armed forces would be sensible.

The new Federal Construction Guidelines issued in October 2022 could mark a first step towards reducing the workload for federal state building authorities. They give the Institute for Federal Real Estate the opportunity in certain cases to undertake construction tasks under its own responsibility. This relates primarily to measures to preserve the building stock of properties already used by the Bundeswehr. It remains to be seen to what extent this will lead to an actual improvement in the situation.

In letters to the **Prime Ministers** of the federal states, the Parliamentary Commissioner emphatically highlighted the most serious problems in the realisation of Bundeswehr construction projects in the respective federal state and asked them to exhaust all possibilities to remedy the situation quickly. All the responses received showed understanding for the situation described. What is important now is to bring about rapid, tangible increases in staffing in the building authorities. Overall, concerted action and efforts are required from all involved at the federal and federal state level in order to address the urgently required improvements in the Bundeswehr's civil and military infrastructure.

9. Environment and climate

The altered security situation as a result of the war in Ukraine has made it very clear that questions of energy, sustainability and security are closely related. For example, the ability to plan and conduct military operations successfully is linked to the energy management of the armed forces. The need for greater independence from fossil fuels such as gas and oil also applies to the Bundeswehr. Likewise, the increasingly noticeable climate change means that it has to be prepared for natural events such as floods and heatwaves.

The Bundeswehr's climate-damaging CO₂ emissions rose by 17.9 per cent in the past three years. The increase in emissions related to military-specific mobility has been as high as 25 per cent since 2019. This is attributable to increased fuel consumption, especially for heating properties, which was also reflected in additional costs.

In parallel, the Bundeswehr's energy costs also went up in the past five years. Whereas the cost of heating and electricity in the properties amounted to just under EUR 325 million in 2017, the Ministry of Defence has already provisionally put this figure at around EUR 344 million for 2021 (as at the end of the third quarter of 2022). The costs for 2021 are still based on estimates as the energy providers only issue their invoices in the course of the subsequent year. This means that, although reliable figures for the 2022 reporting period are not yet available, a significant increase is to be expected. For 2021, the Bundeswehr purchased electricity with a share of **renewable energies** of 36.3 per cent. This electricity mix, which meets the Federal Government's climate protection targets, was relatively inexpensive to buy (gross electricity price for 2021: 21.21 cents per kWh). By 2030, this share of the German electricity mix is set to rise to at least 80 per cent. The Bundeswehr will by then procure 100 per cent of green electricity under the "Programme of Sustainability Measures 2021", starting in 2024.

The Bundeswehr is called upon to make substantially better use of its potential in infrastructure. Driving the energy-efficient refurbishment of infrastructure, expanding the use of renewable energies on the Bundeswehr's own land, using electric drives and practising sustainable procurement offer major opportunities to increase sustainability, independence from fossil fuels and thus the resilience of the Bundeswehr's infrastructure. The Sustainability Report 2022 of the Federal Ministry of Defence and the Bundeswehr explains that the troops attach high priority to climate and environmental protection. The transformations required are being taken seriously. At the Knüll Barracks in Schwarzenborn, there is a practicable example of resource-conserving construction: six accommodation buildings are being built there from wood, an extremely sustainable raw material.

In the area of **mobility**, the Bundeswehr, which has over 30,000 vehicles and correspondingly high fuel consumption, also has great potential for adopting new technologies and increasing sustainability. It remains to be seen to what extent price increases in the national and international fuel market will affect the operation of vehicles, aircraft and ships of the Bundeswehr. All efforts must be made to keep the fuel costs for day-to-day duties, and especially for the conduct of necessary exercises, within financially manageable limits. In this context, the Bundeswehr must not neglect efforts to use more environmentally friendly fuels. The consumption of vehicles required for property operation is currently the subject of a comprehensive survey under the "Programme of Sustainability Measures 2021". The survey will, however, still take some time to complete and initial results will only be available in the next reporting period.

From a climate perspective, the distances that many servicewomen and -men travel by car on a daily or weekly basis between their home and place of duty and also to training venues are also damaging. There is often no public transport alternative which means that many car journeys have to be made, with a corresponding negative impact on the environment. More barracks-based accommodation, including for those not required to live in official accommodation, the provision of affordable housing near the place of duty and flexibility in the choice of training venues could help improve the situation.

In relation to electric mobility, criticism is clearly justified for barely explicable delays in the building of **charging stations**:

- *For example, it was learnt during a troop visit to the Lüttich Barracks in Cologne that the construction of the relevant charging stations there could only be expected in 2026. The arguments put forward by the Ministry of Defence to explain this delay, saying that such a project was only a “lower-priority infrastructure measure” are not convincing.*

The Bundeswehr is also investigating the use of other propulsion systems and sustainable fuels:

- *Most of the emissions of the Air Force are caused during flight operations. For this reason, the production of sustainable aviation fuel (SAF) as a means of propulsion from renewable energies, wind power and photovoltaics is a promising development. According to information provided by the Air Force, the refuelling of aircraft of the Special Air Mission Wing with fuel containing a percentage of SAF has already been initiated. The A400M has also been SAF-certified already.*

If 50 per cent of the fuel used was SAF, the CO₂ exchange could be reduced by around 40 per cent. The expansion of refuelling with SAF can be ramped up once the industry is in a position to supply this synthetic fuel on a comprehensive basis.

As another building block towards an independent and sustainable energy supply, the Bundeswehr is pursuing the hydrogen strategy. An investigation is under way to establish to what extent hydrogen can be integrated into the energy management of the Bundeswehr’s more than 33,000 buildings. It is already used as a fuel in submarines.

However, the expansion of renewable energies is not compatible with military interests in all circumstances:

- *For example, the planned expansion of wind turbines in the vicinity of an Air Force training area was a threat to needs-based predeployment training, prompting the competent FOBwIEPS to issue a rejecting statement during the building plan approval participation process for the erection of wind turbines; the reasons included expected restrictions to flight operations.*

There are, in contrast, other cases where military interests and sustainability complement each other:

- *On the Dorbaum training grounds, for example, the natural environment along the river Ems is being restored. The first step taken to this end was to remove several small sections of the stone river bed using heavy equipment of the 130 Armoured Engineer Battalion from Minden to allow the water to run freely again. At the same time, the Bundeswehr created three bridgeheads, which bridge-laying tanks will be able to use to cross the Ems in future. Returning the site to its natural state has advantages for both nature and the Bundeswehr. A riverbed in its natural state offers more varied and therefore more effective exercise options, as the river changes its appearance each time it floods.*

There are also advantages in other areas. If the troops reduce **fuel demand**, this in turn reduces deliveries to mission areas. That simplifies logistics and increases security since fewer transportation routes have to be additionally secured. The same applies when photovoltaics and independent water treatment are used in autonomous mission camps.

- *During her troop visit to Flotilla I in Kiel, the Parliamentary Commissioner for the Armed Forces was told that clearance diver training continued to face major difficulties. This required mine demolitions under water, a procedure that could potentially kill harbour porpoises; this could have criminal-law consequences in some cases. Conducting the exercises in the territorial waters of NATO partners was not a permanent alternative and was not a substitute for exercises in Germany’s own waters.*

In consultation with the competent nature conservation and environmental protection agencies, the Navy carried out several **demolitions** with technical and scientific support in autumn 2022 for the purpose of training clearance divers and of predeployment training for German mine countermeasures units in the Schönhagen barred area. Considerable efforts were made to reconcile this with the interests of nature conservation and environmental protection to the furthest possible extent. According to information provided by the Navy Headquarters, it emerged during the demolitions that the use of technical precautions to minimise potential harm to the environment led to restrictions. The long-term plan was therefore to establish underwater demolition sites that are compatible with environmental protection and nature conservation. By carrying out these demolitions, it

was possible to mitigate the impending loss of capability. Further demolitions are being planned, but there is a considerable backlog of demolition projects for training purposes. Appropriate guidelines currently being drafted are intended to contribute to better national coordination and in this way facilitate the approval of future demolition projects.

10. Security clearance checks

Alongside effective counterespionage in the Bundeswehr, top priority must be given to watchful, consistent action against extremists and enemies of the constitution in the troops with all means available under the rule of law. This was very clearly demonstrated in the year under review by the investigations into a suspected terrorist network in the *Reichsbürger* milieu, which also identified links to the Bundeswehr. Alongside criminal and disciplinary law, security clearance is an important preventive tool for defending against right-wing extremists among the troops or for taking preventive action against them. Servicewomen and -men are only appointed or occupy certain posts once the required security clearance check has been completed. The need for a security clearance check also arises repeatedly during the service period when a soldier is assigned to a security-sensitive post. Even before initiating the sometimes complex security clearance, the careers centre can reject applicants as early as the assessment process because of doubts about their loyalty to the constitution. In 2022, careers centres made use of this option in 97 cases.

The **Intensified Enhanced Security Clearance Check Act** entered into force on 1 October 2022. It helps to prevent abuse of the special know-how and skills of servicewomen and -men in applications with particularly high security requirements, for example in the Special Operations Forces Command. Servicewomen and -men for whom security-relevant findings exist are to be denied access to such applications. Amendments to the Act allow the FOMCI to halve the intervals between regular checks and carry out more intensive checks. As part of a security clearance check, the Military Counterintelligence Service can inspect all publicly accessible websites and all parts of a social network relating to the soldier to be screened that are visible to all members. A security clearance check is an intervention in the basic right of individuals to determine the use of their data. This means that the collection of personal data requires not only a legal foundation for the intervention, but also the consent of the individual concerned. Under the new regulations, the servicewoman or -man concerned now also has to disclose the websites they own and the platforms on which they have accounts and under what username they are registered there. In addition, the servicewomen and -men concerned have to attach two photographs to the security declaration so that they can be identified in social networks. This simplifies the FOMCI's task, as it otherwise takes a lot of time and effort to find individuals and to match an account or website to an individual.

While the internet activities of the individual to be screened increasingly take up space, the **digitalisation** of the security clearance checking process is also making progress. By digitalising the process, most of which is still paper-based at present, the Ministry intends to cut the processing times of the individual security clearance checks and minimise the susceptibility to error arising from the interaction of the different agencies involved. Under the existing process, the security officer first has to apply for the check to be carried out, sending the completed application to the FOMCI. The corresponding requests for information to the respective authorities must then be initiated, and their feedback must in turn be collated and assessed in a meaningful way. After that, the Office submits a corresponding opinion and presents it to the security officer for a decision. The smooth conduct of a security clearance check without delays therefore depends critically on the prompt interaction of the agencies involved in compliance with regulations. This makes the old system susceptible to problems early on in the process. Implementation of the project to digitalise the security clearance check will start in 2024. It remains to be seen how the Ministry will design the security architecture for dealing with personal data, some of which is highly sensitive, in order to create the foundation for digital communication on the basis of legal certainty.

In the Military Counter-Intelligence Service, the increase in personnel is making progress, at least in organisational terms. The main challenge is to recruit staff for these posts, which are specifically assigned to security clearance tasks.

The processing times for security clearance checks, which had been longer due to the pandemic, were reduced in the year under review, in some cases significantly so. This is particularly evident in the important **preemployment screening for soldiers**, which now takes an average of three weeks to process, down from five weeks in the previous reporting period. The scope and significance of the pre-employment screening for soldiers, which was introduced in 2017, must not be underestimated. It allows the early identification of

individuals presumed to engage in extremist, racist or otherwise anti-constitutional activities. Since its introduction, it has been subject to consistent ongoing prioritisation, which is also reflected in significantly reduced processing times compared with other security clearance levels. Of the total 53,288 security clearance checks completed in the year under review, 17,780, or around one third, were attributable to pre-employment screening for soldiers. But the average duration of security clearance procedures at lower security levels also went down. This is an encouraging development, especially since, alongside pre-employment screening for soldiers, the security clearance checks at security levels 1 and 2 make up the bulk of security clearance checks. In the interest of military security, it is understandable that cases requiring a review of suspected security-relevant findings have to be processed more thoroughly and therefore take longer. It is not satisfactory that the result is sometimes not available sooner in cases where there are no such findings. Inexplicable delays and “idle times” then prevent, over extended periods, the servicewoman or -man from performing the activities for which they have been trained. This is a cause of frustration and demotivation and wastes personnel resources, as the examples below demonstrate:

- *One senior personnel SCO, for example, who had been waiting for three years for the completion of his security clearance check, was unable to do meaningful work in his post. He was allowed to enter his place of duty, which was located in the exclusion zone of an airfield, only if accompanied by specifically assigned personnel. He was denied access to the SAP personnel management system, which meant that he could only perform light office duties and the first sergeant had to take over personnel management.*
- *In another case, a qualified aircraft mechanic’s inability to perform his duties was also attributable to his outstanding security clearance check because he was not allowed to enter the flight operations area.*

It is particularly annoying for servicewomen and -men if the lack of security clearance results in **career disadvantages**, and the assignment planning has to be amended:

- *For example, because of a security clearance check that had been outstanding for over a year, one petitioner was barred from attending a training course he needed for a planned deployment abroad. Although the security screening procedures, which had already been initiated, had not given rise to any security-relevant findings, the interviews of referees and contacts was only commissioned one year later and the need to issue a provisional result had not been taken into account. He only received this in response to the petition; the training course had already ended by that time.*

In isolated cases, serious flaws in the security clearance procedure result in the Bundeswehr losing highly motivated and well qualified servicewomen and -men:

- *Following a planned career change, a petitioner recruited to the Bundeswehr as IT non-commissioned officer was to be transferred to a formation close to his home as a senior NCO of electronic warfare. The required security clearance check had been initiated for both assignments. One year after they had been initiated, the competent security officers in each case discontinued the check, even though, according to the Ministry of Defence, they had not been authorised to do so. If they had been properly handled, the petitioner would probably have been deployed to his requested assignment at the location close to his home, but that post was no longer available. The soldier subsequently left the Bundeswehr, having lost confidence in his employer. The Ministry took the case as an opportunity to emphatically explain once again the powers of security officers to the area dealing with security clearance checks.*

It can only be hoped that these kinds of transgressions of decision-making powers are the exception.

Futile security clearance checks have repeatedly been carried out in the past. This situation arose because the application forms did not contain all the questions necessary to determine whether it would be successful or futile to conduct the security clearance procedure. This involved in particular residence in a state with special security risks in the last five years. Those affected had in many cases been in such states for family reasons. Objections to this circumstance were, however, only raised long after completing their basic training and, not infrequently, after they had started serving in the parent unit. The security clearance check then normally had to be discontinued on the grounds of a procedural impediment.

The Ministry of Defence took this problem as an opportunity to fundamentally revise the application form. If applicants specify that they have spent longer than two years in a state with special security risks within the last five years, there is a procedural impediment and the application process is discontinued from the outset. This avoids disappointment for the applicants and unnecessary effort on the part of the Bundeswehr with regard to

future assignment and training planning. The new application form has been in use since 2021 and also forms the basis of the counselling sessions. This enables careers centres to alert prospective applicants at an early stage to procedural impediments arising from their respective curriculum vitae.

11. Administration of justice and law violations

Disciplinary attorney's offices and Bundeswehr disciplinary and complaints courts

For years, the excessive duration of judicial disciplinary proceedings at the offices of the disciplinary attorneys for the armed forces and at the Bundeswehr disciplinary and complaints courts have been subject to criticism. This has far-reaching duty-related consequences for those involved. For example, they are never promoted while (preliminary) disciplinary investigations or judicial disciplinary proceedings are in progress. In addition to the pressures associated with their duties, they face psychological strain because of the long period of uncertainty about the outcome of the proceedings, which may also affect their private lives. The meaning and purpose of the Military Discipline Code are to remind individuals of their duties by disciplining them and maintaining or restoring discipline in the troops. This intention is counteracted, however, if the offences are only punished when measures that would actually be appropriate to the offence and crime can no longer be imposed because of the passage of time. This is because the courts have to take any excessive duration of proceedings into account as a mitigating factor when assessing the measure to be imposed. This is particularly infuriating in cases of substantiated racist or right-wing extremist acts, sexual assault or other criminally relevant behaviour. In such cases, swift disciplinary action would be a strong signal not only to the accused persons themselves, but also to the troops in general, as the following cases demonstrate:

- *In July 2013, judicial disciplinary proceedings were initiated against an officer who, in the period from September 2012 to April 2013 had repeatedly made insulting, sometimes even racist remarks while drunk, but had also contravened his military duties in other ways. Charges were brought before the Bundeswehr disciplinary and complaints court in October 2014, which did not impose a disciplinary measure until May 2022. Since the proceedings had lasted five years, the court deemed a more lenient measure, rather than a demotion in rank, appropriate to the offence and crime.*
- *In judicial disciplinary proceedings initiated in May 2017, the charge sheet was transferred to the Bundeswehr disciplinary and complaints court in January 2018. In this document, the disciplinary attorney's office accused a junior non-commissioned officer of crimes involving the circulation of illegal propaganda with extremist content, including the words "Sieg Heil", in spring 2017. In spring 2022, the Bundeswehr criminal and complaints court found that the soldier had committed a punishable disciplinary offence and, given the soldier's subsequent probation in combination with the duration of the proceedings of three years and three months, imposed a more lenient measure rather than a demotion in rank.*

Unfortunately, these are not isolated cases. A particularly serious case was finally brought to a conclusion in 2022:

- *Since 2013, the disciplinary attorney's office had conducted preliminary disciplinary investigations against a senior NCO because of unauthorised secondary activities. It initiated the proceedings only in 2019 and brought charges against the soldier in the same year. Due to the excessive length of the proceedings, the Bundeswehr disciplinary and complaints court ultimately discontinued them in the year under review by issuing a disciplinary court order, determining that a disciplinary offence had been committed, although in the court's assessment the initiation of disciplinary proceedings would have been appropriate back in May 2014. According to the Ministry of Defence, the considerable duration of the disciplinary proceedings was attributable to frequent changes of responsibility and a difficult personnel situation within the disciplinary attorney's offices.*

There are numerous other proceedings that the Parliamentary Commissioner for the Armed Forces is dealing with, where the Bundeswehr disciplinary and complaints court had not issued a decision by the end of the year under review, such as the following case:

- *In 2014 and 2015, an officer repeatedly made public comments on Facebook in a way that incited to enmity and hatred. Judicial disciplinary proceedings were initiated in April 2016 and, given the seriousness of the*

disciplinary offence, provisional measures were ordered against him. In November 2019, the soldier was charged before the Bundeswehr disciplinary and complaints court. Due to some of the offences he had been charged with, criminal proceedings were also initiated against the soldier. In August 2014, for example, he was sentenced for insult, receiving a fine by final judgement pursuant to Section 185 of the Criminal Code. In criminal proceedings initiated in 2017 and concluded with a final judgement in February 2019, he was furthermore sentenced for incitement to enmity and hatred and use of symbols of unconstitutional organisations, receiving a total prison term of eight months, the enforcement of which was suspended on probation, pursuant to Sections 130 and 86a of the Criminal Code.

The objective of disciplinary action is not, however, attained by means of punishment under the Criminal Code. Criminal penalties handed down by civil courts serve other purposes than those imposed under military law.

Especially in simply structured cases and if the servicewoman or -man charged confesses, it must be possible to conclude judicial disciplinary proceedings significantly faster. Proceedings that take several years are not acceptable in such cases.

In the past, the reasons for the long duration of proceedings at the **disciplinary attorney's offices** were considerable personnel shortages and frequent changes of personnel in combination with absenteeism, for example due to training courses and deployments abroad. This was exacerbated by an increase in the number of submissions and proceedings instituted. This results in high workloads from the large number of cases and therefore long processing times as early as during the investigation procedures. Witness interviews lead to further delays, if they cannot be located in their parent units due to training courses or deployments. This applies similarly to the ability to contact spokespeople to be heard. Cooperation with the public prosecutor's offices is also difficult sometimes, either because proceedings there are already taking a long time or because they fail to make the necessary documents available to the disciplinary attorney's offices promptly or in full. Here are some examples:

- *A senior NCO complained that, for a breach of official duties dating from 2017, for which a disciplinary fine had been imposed on him, judicial disciplinary proceedings were initiated only in 2020. The soldier's lack of understanding was not surprising, as the disciplinary attorney's office had been aware of the underlying facts since the end of 2017. Prompt penalties using simple disciplinary measures are desirable, even in cases where the initiation of judicial disciplinary proceeding may be considered, as this is the only way to ensure that misconduct is sanctioned if the threshold for judicial disciplinary proceedings has nevertheless not been reached. But in those cases, active encouragement of the proceedings and transparency to the individual concerned are of particular importance.*
- *Since the middle of 2017, the disciplinary attorney's office had conducted preliminary investigations against a senior NCO because of the improper storage of small arms, which had subsequently been stolen by unknown individuals. The criminal proceedings on the same matter were already discontinued in 2018. The disciplinary attorney's office initiated judicial disciplinary proceedings only in response to the order of March 2020. No charge had been brought before the Bundeswehr disciplinary and complaints courts by the end of the year under review.*
- *In August 2015, the disciplinary attorney's office initiated preliminary disciplinary investigations for insults and other matters against a reserve senior NCO. Judicial disciplinary proceedings were initiated in 2016. Criminal proceedings on the same matter were concluded in March 2017 against payment of a fine. The former soldier was not charged before the Bundeswehr disciplinary and complaints court until August 2018. In its judgement of June 2022, the Bundeswehr disciplinary and complaints court found that the duration of proceedings totalling 45 months was unreasonably long. It added that even the preliminary investigations had taken an unjustifiably excessive period of 11 months. The judicial proceedings had likewise taken an unjustifiably long time; since the offences of which the soldier was accused were largely the same and the legal appraisal was not very complex, a decision could have been handed down within one year.*

Encouragingly, the situation affecting the duration of proceedings at the disciplinary attorney's offices is expected to ease significantly in the coming years. According to information provided by the Ministry of Defence, around 90 per cent of posts had been filled as at the end of the year under review.

But the personnel situation at the **Bundeswehr disciplinary and complaints courts** continues to struggle. Up to one quarter of the posts for judges has been unfilled for years. There is also an urgent personnel shortage at

the registries. In addition, especially given the welcome increase in personnel at the disciplinary attorney's offices, there is a considerable imbalance in numbers between the posts at disciplinary and complaints courts and the disciplinary attorney's offices. The 20 judges at the Bundeswehr disciplinary and complaints courts North and South throughout Germany, with a combined total of 20 chambers, of which only 15 were filled in the year under review, compare to approximately 160 disciplinary attorneys. This will automatically lead to a bottleneck in dealing with proceedings.

One reason for the insufficient recruitment to posts at the Bundeswehr disciplinary and complaints courts could also be the high demands placed on applicants. All posts are filled with judges at pay grade R 2, which means that they have to meet the requirements profile of pay grade A 16. The requirements also include several years of deployment to legal counselling and disciplinary attorney's offices and two different deployments of at least two years at pay grade A 14/15 and a deployment of at least two years to the Ministry of Defence or to the Military Affairs Division of the Federal Administrative Court. In the civilian justice system, by contrast, suitable applicants can be deployed as judges as soon as they have passed the second bar examination. In particular, the requirement to be **deployed to the Ministry** must be critically questioned, given the tight personnel situation, since its usefulness for working as a judge is not immediately obvious.

According to information provided by the Ministry of Defence, there were signs at the end of the year under review that the applicant situation at the Bundeswehr disciplinary and complaints courts could be improving and soon lead to almost all posts for judges being filled. However, short-term measures or interim solutions are required to clear the backlog that has accumulated over the years. Steps to be considered could be to declare Sections 17, 18 of the Code of Administrative Court Procedure applicable to the Bundeswehr disciplinary and complaints courts. Under these provisions, a civil servant for life can be appointed as acting judge for a period of at least two years to cover personnel needs that are only temporary. It may also be feasible to establish a task force or project group to help clear the backlog of cases. In addition, a long-term measure to be considered is to create a third Bundeswehr disciplinary and complaints court, thereby creating new posts for judges.

In the year under review, the duration of judicial disciplinary proceedings at the Bundeswehr disciplinary and complaints courts still averaged 27 months. If the different ways of handling cases are taken into account, the average duration of judicial disciplinary proceedings concluded with a judgement is 30 months. If they are concluded by issuing a disciplinary court order, the average duration of proceedings still amounts to 23 months because of the large number of legacy cases. The following example is representative of a large number of cases that far exceed these averages:

- *Since the beginning of August 2012, judicial disciplinary proceedings have been conducted against a senior NCO (who has since become a reservist) for several suspected breaches of duty – for example, he is said to have insulted and threatened a comrade in 2011. Charges were first brought before the Bundeswehr disciplinary and complaints court in September 2015. However, at the beginning of 2017, the Bundeswehr disciplinary and complaints court discontinued the proceedings on the grounds of a procedural impediment. The judicial disciplinary proceedings were only reopened in July 2017 and the reservist was charged before the Bundeswehr disciplinary and complaints court in November 2017. The decision of the Bundeswehr disciplinary and complaints court was still pending by the end of the year under review.*

Even if the assessment is based on the second time the soldier was charged, he has been waiting for over five years for a court decision on an offence he is said to have committed in 2011, i.e. 11 years ago. Against the background of the duty to provide effective legal protection, this is not acceptable.

It is encouraging that the Bundeswehr disciplinary and complaints courts are increasingly making use of the option to conclude proceedings by issuing a **disciplinary court order** and therefore without conducting a main hearing. This speeds up the proceedings to a certain extent, as a decision is made on the basis of the documents on file, without a hearing date or summoning witnesses. However, this option is only available if the disciplinary measure sought is no more severe than a prohibition on promotion (with or without reduction in pay) or a reduction in pension. Moreover, both the disciplinary attorney's office and the accused person must consent to these proceedings. In many cases, such a decision is only possible because the proceedings have already taken such a long time that a more lenient penalty (which therefore falls within the limits of the disciplinary court order mentioned above) has to be imposed than the kind of sanction that would really be appropriate for the allegations (such as a demotion in rank or even removal from service). This is because, if proceedings are not concluded within a reasonable period of time for reasons not attributable to the accused, the

excessive duration of the proceedings has to be taken into account from the perspective of appropriateness when assessing the measure to be imposed:

- *At the beginning of 2015, disciplinary proceedings were initiated against a senior NCO for the illegal use of cannabis at the end of 2013. The criminal proceedings on the same matter had already been discontinued in 2014. At the end of 2018, the charge, to which the accusation of ill-treatment of subordinates had been added and because of which the soldier was prohibited from performing his duties and wearing a uniform in the middle of 2016, went to the Bundeswehr disciplinary and complaints court. With regard to this accusation, the soldier, who had since been discharged from active service, was sentenced to a fine of 90 daily rates by a civilian court in 2018. In a judgement handed down at the beginning of 2022, the Bundeswehr disciplinary and complaints court demoted the reservist in rank. It took into account as a mitigating factor that the former soldier could have been promoted as early as in April 2014. It was placed on record that the promotion certificate had not been handed over due to the disciplinary proceedings. That meant “that up to his discharge at the end of 31 August 2018 he was subject to a de facto prohibition on promotion and therefore had to bear not inconsiderable disadvantages, including in particular financial ones”.*

To find solutions for fundamentally accelerating judicial disciplinary proceedings was one of the decisive aims of the **commission of experts** set up by the Federal Ministry of Defence in 2019 to review the Military Disciplinary Code. In addition to numerous other proposals, in its final report of September 2021, the group called for, among other things, the personnel situation to be improved in the agencies and authorities responsible for the administration of justice. It also advocated expanding the range of cases in which the accelerated conclusion of proceedings without oral hearings can be applied by using disciplinary court orders. These proposals have to date not been implemented. According to information provided by the Ministry of Defence, a ministry draft is expected to be submitted in mid-2023.

Legal knowledge of disciplinary superiors

Sound legal knowledge is a prerequisite for the correct performance of duties by disciplinary superiors. It also strengthens their position in dealings with servicewomen and -men entrusted to them. It firstly enhances their acceptance and credibility, and secondly it gives superiors greater security and self-confidence if they are independently able to take legally correct decisions, explain them and defend them in cases of doubt. With a view to refocussing on national and alliance defence, it would be important to focus to a greater extent than before on providing training on the **rules of international law**, as they take on greater significance in intergovernmental conflicts than in stabilisation missions, which have to date accounted for most of the deployments. Especially legal training for prospective officers in international and operational law should commence at the start of the career training. For example, career training for line service officers currently includes a total of 16 lessons on “international and operational law”. The Bundeswehr intends to revise the applicable regulation A-221/2 in 2023. This must not be aimed at reducing the number of hours, but rather at boosting this training.

The extent to which **military law** is covered in mandatory training courses for commanders as part of their training is decided by the respective military major organisational elements under their own responsibility. However, the number of hours allocated to this topic varies considerably, depending on the major organisational element concerned. It is understandable that military law accounts for only eight hours of the training for commanders of the Joint Support and Enabling Service, because the military police of the Joint Support and Enabling Service have already had a very high allocation of legal training in previous training phases. It is hard to understand, however, on what the different allocations allowed for military law are based in the training for commanders of the Air Force, to which 36 hours are allocated, and of the Army, which has an allocation of just 16 hours. Although they can use practice-based practical training at the Leadership Development and Civic Education Centre to close any gaps in their knowledge, the training is not compulsory for all commanders, but offered on a voluntary basis and unfortunately with only limited capacity. There is an urgent need for improvement here. The legal training should be of similar content and duration across all branches of service – taking any special features, such as those of the military police service, into account. This applies even more so as, in the context of refocussing on national and alliance defence, a large number of restructuring measures are

being planned for the coming years, which are expected to entail personnel changes between arms of service and in some cases even between the branches of service.

The practical effects of a **lack of legal knowledge** among superiors is demonstrated by the following cases:

- *A servicewoman was suspected of having uploaded stickers with a right-wing extremist background to a WhatsApp group and a disciplinary fine was imposed on her. However, the operative part of the award did not reveal clearly which particular disciplinary offence the soldier was to have committed, and the fine therefore had to be withdrawn. The specific misconduct would have had to be stated in the operative part to enable the soldier to desist in future and/or to defend herself against an allegation that may have been incorrect. Judicial disciplinary proceedings were subsequently instituted.*
- *After a party to mark the end of a training course, there was damage to property affecting several private vehicles. The responsible officer commanding promised the course participants, among other things, that if they compensated for or repaired the damage caused, orders not to pursue judicial disciplinary proceedings would be issued without a finding that disciplinary offences had been committed. Even if those who had caused the damage had fully confessed in their plea, the officer commanding would have significantly exceeded his disciplinary discretion in making this promise. The requirements with regard to the facts and the discretionary scope of an order not to pursue judicial disciplinary proceedings were subsequently discussed with the officer concerned.*

Ban on discrimination

Section 7 of the Act on the Parliamentary Commissioner for the Armed Forces determines that a soldier may not be reprimanded or subjected to discrimination for invoking the Parliamentary Commissioner for the Armed Forces. The ban on discrimination is observed in the vast majority of cases in the Bundeswehr. However, due to inadequate knowledge of the regulations, misunderstandings arose in the following case:

- *A senior personnel SCO and the deputy platoon leader explained to a petitioner that, until the review of the facts being conducted as a result of his petition was concluded, he could not be promoted and therefore could not apply for his term of service to be extended either. They had interpreted the decision taken in the petitioner's favour by the Ministry of Defence to prevent disadvantages, ruling that, until the review was concluded, a transfer application made by the petitioner purely as a precaution should not be processed, to mean that all personnel measures relating to the petitioner had been suspended.*

The ban on discrimination applies without exceptions. Petitioners can trust the Parliamentary Commissioner for the Armed Forces to conduct a consistent review and take decisive action whenever she becomes aware of breaches of the ban on discrimination.

However, due to the principle of division of powers, the Parliamentary Commissioner is not authorised to bring about the amendment or withdrawal of decisions made and orders issued by the Bundeswehr:

- *A junior-ranking soldier complained to the Parliamentary Commissioner for the Armed Forces that the office for junior-ranking soldiers of his student company, in which 11 of them were working, was much too small and this was leading to difficulties in complying with coronavirus protection measures. To illustrate the point, he attached three photos to his submission without obtaining a prior exemption from the barracks commander. Due to a breach of the ban on filming and photography inside the barracks stipulated in the barracks regulations, his disciplinary superior imposed a non-judicial disciplinary measure on him. In the interview conducted with the accused as part of the process, he had also questioned in detail why the petitioner had made a written submission. The Federal Ministry of Defence was unable to detect any discrimination against the petitioner resulting from his submission in the disciplinary measure imposed.*

This view must clearly be contradicted. Submissions to the Parliamentary Commissioner for the Armed Forces are petitions within the meaning of Article 17 of the Basic Law. According to prevailing opinion, to allow exercise of this **basic right**, to which soldiers are entitled without restriction, penalty rules should be interpreted and applied in such a way that restrictions of the right of petition are avoided as far as possible. Those responsible could easily have complied with this advice. To discharge her constitutional mandate, the Parliamentary Commissioner for the Armed Forces has comprehensive access and information rights, which apply to every property of the Bundeswehr. With this in mind, she has to be deemed an authorised person who

could have gained her own impression of the premises at any time. In this case, the superiors could therefore simply have arranged for a retrospective exemption from the barracks commander for the photos attached to the submission. It is very revealing that the disciplinary superior responded instead by initiating disciplinary proceedings and even interviewed the petitioner as the accused on the motives of his submission. It is hard to comprehend that the Ministry refused to recognise discrimination in this case.

Offences against sexual self-determination

In addition to 34 submissions (2021: 23; 2020: 25) in which servicewomen and -men complained of sexual harassment or even sexual assault, the Parliamentary Commissioner also evaluated 357 reportable events for suspected offences against sexual self-determination in the year under review. After falling to a five-year low in 2020 (2021: 303; 2020: 224; 2019: 345; 2018: 288), the figures now exceed those of the last year before the Covid-19 pandemic. The lower number in 2020 was possibly attributable to the Covid-19 pandemic. Parties where excessive alcohol consumption played a role – not infrequently the cause of sexual assaults – were more or less unable to take place in 2020. There was also an increase in the number of servicewomen and -men working from home, which might have led to fewer situations where sexual assaults could happen. The increase in 2021 and 2022, when regular operations had resumed in large parts and more parties with alcohol consumption were able to take place, seems to confirm this. An internal Bundeswehr investigation determined that one third of sexual assaults transpire under the influence of alcohol and 80 per cent of victims are female.

How many of the reported cases were ultimately confirmed could not be clearly determined by the end of the year under review, because in some cases the investigations had not yet been completed. What is certain, however, is that each case is one too many. Even if not all offences involve systematic, institutional misconduct, the offences have an effect on the internal dynamic, camaraderie and trust, both among each other and in respect of superiors, irrespective of their disciplinary or criminal relevance. This has significant negative consequences for the Bundeswehr's operational readiness. It is the task of the military and political leadership to take effective measures and to promote and demand a culture of mutual respect. For example, recurring information and discussions are suitable methods, because they are the only way to change expectations, perceptions and behaviour and permanently raise awareness of interacting with each other appropriately.

It is hard to ascertain the actual number of sexually motivated attacks. The experience of the military equal opportunity officers suggests that the **number of unreported cases** is very much higher than the number of reported cases. On the one hand, victims are often afraid to report harassment for fear of suffering professional or personal disadvantages. Shame is also said to play a significant role. On the other hand, the equal opportunity officers described cases of mostly young, inexperienced servicewomen who were afraid to reveal what they had gone through to officers and therefore turned to lower-ranking soldiers, although they sometimes did not take them seriously and responded instead with inappropriate comments. It should also be taken into account that the number of confirmed cases is only of limited significance. In cases of sexual assault, it is often a case of one person's word against another, with the result that proceedings have to be discontinued because the offences cannot be proven with the necessary degree of certainty. But this does not mean that they did not take place. The discontinuation of criminal or disciplinary investigations is in those cases an additional burden for the victims of sexual assault.

In addition, further strain may be caused by the excessive duration of proceedings before the Bundeswehr disciplinary and complaints courts. If, despite a confession and a relatively clear-cut case, it takes five years for the Bundeswehr disciplinary and complaints court to make a ruling, this is not acceptable for any of the parties involved:

- *In this case, which occurred in 2017, a serviceman used a hidden camera to film a female comrade in a shower room as well as two other female comrades in their quarters. The facts of the matter were clear and the serviceman made a full confession. Nevertheless, the Bundeswehr disciplinary and complaints court took its decision only in 2022.*

Another aggravating factor is that, due to data protection and personal rights, the victims of sexual assault do not have the right to be informed of the findings of disciplinary investigations or the decisions of Bundeswehr disciplinary and complaints courts. Yet this information would be of fundamental importance for many people in order to get closure for what happened to them. It is therefore an urgent requirement to give victims of sexual assault access to this information, in a way that is similar to the **victim protection regulations** in criminal

proceedings. This is because, in criminal proceedings, it has long been known that filing an incidental action, for instance, helps many victims to deal with and process the offence, because they can follow all the proceedings – even if the trial is meant to be held *in camera*.

Overall, an increasingly sensitive approach to allegations of offences against sexual self-determination has been seen in many areas of the Bundeswehr in recent years. The investigation documents submitted in the respective cases showed that the superiors take such misconduct very seriously and investigate suspected cases in this regard immediately and extensively and punish them systematically:

- *A temporary-career volunteer repeatedly made derogatory, sexually suggestive and defamatory remarks to female recruits: “You’ll be familiar with getting on your knees,” “You know exactly what I’m after,” “I’m trying to make up my mind whether to join you in your quarters or in the bathroom.” The Federal Office of Bundeswehr Personnel Management considered this disrespectful behaviour a serious threat to military order, arguing that, by clearly disparaging female comrades, the serviceman had contributed to threatening the functional capacity of the armed forces. The serviceman was summarily dismissed from service.*

It is unfortunate, however, if the **disciplinary measure imposed** in such cases is too lenient – even if this happens due to a lack of legal knowledge:

- *In a project that the Bundeswehr conducted jointly with a civilian company, a general said something like the following to one of the company’s placement students in the presence of her father: “When I see your daughter, I get dirty thoughts.” As a result of misjudging the expiry deadline for prosecution, the agency with disciplinary authority for the officer, by way of an order not to pursue judicial disciplinary proceedings, only determined a disciplinary offence. At another meeting also attended by the placement student, the officer said in essence that it had been easier to carry out his duties this time because he had not been “distracted by a scantily dressed lady”. The placement student was at no time scantily dressed. A relatively small disciplinary fine was imposed on the officer. The incident was neither reported in the prescribed way nor referred to the Ministry of Defence for reasons of competence. Once the Ministry of Defence had become aware of the case following a verification request from the Parliamentary Commissioner, it held the opinion that both breaches of duty should have been punished by imposing a much more severe disciplinary measure. But given the non-appealability of the disciplinary measure imposed, the measure could no longer be revoked by way of command supervision.*

It continues to warrant criticism that, contrary to the Ministry’s announcements, the central service regulation on “Dealing with sexuality and sexual misconduct in the Bundeswehr”, which is addressed to all members of the Bundeswehr and is intended to contain explanations on the relevant legal and statutory foundations, again failed to enter into force in the year under review. The good intentions behind this are rendered pointless if the regulation takes years to materialise.

Moral harassment

Moral harassment was again the subject of petitions in the year under review. The Parliamentary Commissioner also monitored the investigation of allegations of moral harassment in connection with reportable events. In total, there were 68 petitions and 34 reportable events on this subject. Case law defines moral harassment as continued, interrelated or interdependent hostile, harassing or discriminatory behaviour towards individual employees for the purposes of achieving objectives not covered by the legal system and which, in their entirety, violate the general personal rights. This definition makes it clear that not every conflict situation between servicewomen and -men or with their superiors constitutes moral harassment, even if it is perceived as such by the individual. The line to socially unacceptable behaviour is only crossed when behaviour is intended to violate the dignity of a person and create an environment characterised by intimidation or insults.

When petitioners approach the Parliamentary Commissioner for the Armed Forces because they feel they are not appreciated or even morally harassed by superiors or comrades, this is often due to **interpersonal conflicts** that have been going on for months or even years. It is in such cases hardly possible to find a solution using the tools of the Military Disciplinary Code, and this often leads to disappointment for those affected. Systematic moral harassment could not be proven in any of these cases. This does not mean, however, that there was no moral harassment in individual cases:

- *For example, one servicewoman had accused her former unit of moral harassment. She complained of insufficient service ethics and a lack of exemplary behaviour in her superiors at the time and described uncomradely conduct. It is true that the investigations conducted could not confirm the permanent and ongoing main accusation of moral harassment, which must be taken very seriously. But the main reason for that was that the events had occurred a long time ago and could therefore not be substantiated with the required degree of certainty. A prompt report or complaint could have led to a different result. The unit was ordered to conduct a follow-on training measure on the subject of moral harassment and alcohol abuse.*

It is hugely important to maintain awareness not only among superiors, but also in each individual soldier, so that a **working environment** that fosters moral harassment cannot develop in the first place. Conflicts are unavoidable, no matter where the place of work, and this is also true of the Bundeswehr. It is therefore important to take clear measures to resolve them. Even if the threshold after which moral harassment occurs has not yet been crossed, disrespect and other transgressions by individuals can paralyse entire work areas, lead to an increase in sick leave and have a negative impact on team cohesion and work performance, as the cases below demonstrate:

- *During a discussion between junior-ranking soldiers and junior non-commissioned officers of a company with their spokespeople, servicewomen and -men reported the inappropriate behaviour of the deputy platoon leader. This involved threats, insults, degrading treatment and the suppression of complaints, which had an impact on the entire working atmosphere in this area. After imposing a simple disciplinary measure, the serviceman was removed from his post as deputy platoon leader and provisionally separated from his platoon.*
- *One petitioner complained about the leadership behaviour of his head of section. The review found that the working atmosphere in the team was tense. One of the causes was that serviceman's tight leadership style. Despite being strict, he always acted correctly, and there was no misconduct or breach of duty. As Chair of the Staff Council, he also had the trust of the battalion's personnel. Structural adjustments and changes, including to staff, had a de-escalating effect in this case.*

Activities **meant to be a prank** may also hurt people's dignity and cross the line into moral harassment:

- *Comrades harassed a petitioner who had not had himself vaccinated against Covid-19 with a medical history form for the vaccination, parts of which had been completed with obscene insults. They also put signs up that read "Entry permitted only for people who have been tested, vaccinated or who have recovered" at his workplace and left a syringe filled with juice there. Images of a Star of David with a crossed-out syringe were placed not only on his desk, but also attached to his bicycle. The whole thing was meant as a prank to motivate the petitioner to get vaccinated. Severe disciplinary measures were imposed on the servicemen who had been involved in the prank, although it had not been possible to determine who had been responsible for the images with the Star of David. In addition, the superior cautioned them to exercise their duty of camaraderie and to behave respectfully.*

Communication that works well in the Bundeswehr's sub-units is important, as a lack of communication can have serious consequences. If servicewomen and -men are afraid to approach superiors directly to talk about problems, these inhibitions need to be removed and a trusting community created in order to identify and deal with conflicts. To do so, superiors have to take the time to focus on the servicewomen and -men under their command, to get to know them and to create a relationship of trust. Unfortunately this is not always possible on every occasion or in every conflict. It is therefore particularly important that other contacts are also available to whom those affected can turn at any time. It is to be welcomed that the Bundeswehr takes such conflicts seriously and has its own interest in dealing with them and in supporting those affected. For example, all active and former members of the Bundeswehr who experience or have experienced moral harassment, discrimination, physical or psychological violence in the Bundeswehr have access to the Point of Contact for "Discrimination and Violence in the Bundeswehr" at the Staff Element for "Equal Opportunities, Diversity and Inclusion" in the Ministry of Defence. In addition, those affected have pastoral care, social services and the Bundeswehr Psychology Service, which form part of the Psychosocial Network, on site as further contacts. The Bundeswehr's psychologists support not only the respective parties to a conflict, but also advise superiors on questions relating to conflict prevention and development as well as solution strategies. The spokespeople and equal opportunity officers are also available as contacts. The submissions made by servicewomen and -men to the Parliamentary Commissioner for the Armed Forces show that there should be a clearer focus on these

conflict prevention and resolution options to allow mediating intervention directly on site. In this respect, it would be good to make superiors aware at training events that in these kinds of conflicts they should always also involve the designated spokespeople and equal opportunity officers.

Alcohol and drugs

Servicewomen and -men are prohibited from abusing narcotics both on and off duty. Breaches of this prohibition must be reviewed in disciplinary proceedings and may lead to summary dismissal from service. This also applies to first-time or small-scale use of “soft” drugs such as cannabis or marijuana. In the Estimate of Bundeswehr Morale and Incident Reporting, a total of 176 first-time reports were recorded in the “crimes and administrative offences pursuant to the Act to Regulate the Traffic in Narcotics and discovery of narcotics” category. This means that the number of cases recorded in 2022 was significantly down on the 239 cases of the previous year.

It remains to be seen whether the controlled legal sale of **cannabis** to adults for recreational purposes in licensed outlets, announced in the coalition agreement of the Social Democratic Party (SPD), Alliance 90/The Greens and the Liberal Democratic Party (FDP) for the current electoral term, will lead to an amendment of the regulation in the Bundeswehr and a change in the long-standing case law of the Bundeswehr disciplinary and complaints courts and the Federal Administrative Court.

It should be noted that the strict prohibition on the use of “soft” drugs is in conflict with the widely accepted use of **alcohol**, which within limits is also tolerated in the Bundeswehr. It is, unfortunately, especially the excessive use of alcohol that repeatedly leads to conflicts and sometimes even to servicewomen and -men making completely unacceptable comments, which they would presumably not have made when sober. It even leads to bodily harm:

- *After a company barbecue had officially come to an end, a massive dispute erupted between two strongly intoxicated servicemen, a junior non-commissioned officer and a junior-ranking soldier. The junior non-commissioned officer prevented the junior-ranking soldier from sleeping, poured beer over his bed and uniform, spat on it and hit his face with his fist. He went on to hit him on the head with a beer bottle, which broke. The junior non-commissioned officer repeatedly ignored the platoon leader’s order to leave the area. He has meanwhile been summarily dismissed from the Bundeswehr.*
- *During a bus trip, following the consumption of an unknown quantity of alcohol, a senior NCO insulted a junior-ranking soldier, calling him things along the lines of “son of a bitch” and “fatso” and asking: “Do you want me to hit you in the face?” When they stopped for a break, he also sat on top of the soldier, grabbed him by the collar against his will and later threw a burning cigarette at him. A severe disciplinary fine was imposed on the senior NCO and judicial disciplinary proceedings were subsequently initiated for other accusations.*

Excessive **initiation rituals** and **tests of courage** are the result of a misguided *esprit de corps*; they are prohibited in the Bundeswehr. Despite that, such rituals take place from time to time, and alcohol often plays a role in these situations, too.

- *On board a naval vessel, servicewomen and -men gave their consent to what is called a crossing-the-line ceremony without knowing what they were letting themselves in for. One servicewoman described the sequence of events as follows: At the first station, she was – like others before her – tied to a beer garden table lying down, and a mass that resembled minced pork hit her face. It got into her eyes, nose and ears, burnt her and led to a choking sensation. Others had thrown up repeatedly so that the tables had been hosed down with a jet of water between participants. The commander stood to one side and raised his drink to those who had finished the ceremony. The disciplinary superior to whom the servicewoman had reported the incident saw no reason to initiate any further measures as participation had been voluntary and could have been discontinued at any point. Only the competent military equal opportunity officer reported the incident to the Chief of the Navy. The investigations initiated in response were concluded without establishing a disciplinary offence.*

Apart from the fact that dealing with food in the way described in this case is extremely questionable, the servicewomen and -men must also be aware that, by participating in tests of courage, they are breaching their duties as soldiers and may even make themselves liable for prosecution. Innocent bystanders who witness

initiation rituals or are even involved in them against their will must not be left feeling that they have to remain silent: on the contrary, the courageous thing to do is to file a report. These types of cases show once again how important an open and trusting communication culture is. Since initiation rituals and tests of courage often take place only under the influence of alcohol, superiors must therefore make sure that alcohol is consumed in moderation, if at all, as part of service-related festivities and to serve as a role model in this regard. One way to achieve this would be, for example, to ban high-proof alcohol or to specify a maximum quantity that may be consumed. It would then have to be ensured at the start of festivities that only limited amounts of alcohol are available. According to the Parliamentary Commissioner's observations, this already works well during operations. Commanders take a decision based on the situation on site and the multinational environment and either prohibit the consumption of alcohol completely, limit it to, say, two cans of beer at night, or opt not to make any rules at all.

Loss of ammunition and weapons

The Parliamentary Commissioner for the Armed Forces also takes up reportable events relating to missing ammunition or the discovery of ammunition held or stored contrary to regulations:

- *During an exercise in a training area, a senior NCO is alleged to have stolen the P8 service pistol, including holster, belonging to a higher ranking senior NCO, taken it apart and hidden the separate components in his equipment in order to appropriate the weapon permanently after the end of his participation in the exercise. Judicial disciplinary proceedings were instituted against the senior NCO.*
- *On his return from a period spent in a training area, the junior-ranking serviceman responsible noticed that he had forgotten to hand in two bags of manoeuvre ammunition (approx. 1,000 cartridges) there. For fear of getting into trouble, he took them with him to his quarters. Another junior-ranking serviceman is said to have been urged in the course of a social evening to take some of the manoeuvre ammunition with him, with the intention of firing it at the next exercise. After the ammunition had been seized during a search, disciplinary fines were imposed on the junior-ranking servicemen. A penalty order was issued against one of the soldiers. The proceedings before the Bundeswehr disciplinary and complaints court are ongoing. It is hard to understand that no disciplinary investigations were initiated against an officer who, according to witnesses, had been aware of the ammunition and even had made regular use of the ammunition stocks.*

Especially in the case of weapons and ammunition, there must be complete assurance that they are secured at all times, the stock inventories are checked regularly, and the **records** are accurately **kept**. This requires training and command supervision by the superiors. Breaches must be systematically punished.

Break-ins and attempted break-ins at Bundeswehr properties in Eckernförde and Alt Duvenstedt drew media attention in 2021 and 2022:

- *The suspects are several individuals, including five (former) soldiers. When searching residential premises and vehicles, the police confiscated a large number of items that, according to the investigation, came from the break-ins. In addition, they found weapons, ammunition and explosive devices presumed to originate from Bundeswehr inventories. Two of the accused former soldiers are said to have intended to travel to Ukraine with some of the material obtained and actively engage in combat against Russian armed forces there. Four of the soldiers have already been dismissed from the Bundeswehr and charges have been filed against them in the local court. One of the soldiers, who is being prosecuted separately, has appealed against his summary dismissal. The proceedings had not been completed yet by the end of the year under review.*

Crimes against the Bundeswehr

In the reporting year (as at 13 December 2022), the Bundeswehr was the target of 112 attacks or criminal offences (2021: 113). In 21 cases, they affected members of the Bundeswehr, for example while wearing their uniform in public. In 91 cases, the offences were directed at Bundeswehr property, including four cases of arson and five acts of sabotage:

- *For example, the Bundeswehr careers centre in Nuremberg was attacked repeatedly in the year under review by unknown perpetrators who, according to the investigations conducted to date, belong to the radical left-wing spectrum; among other things, they threw bags of paint and stones at the centre, causing damage to property of several thousand euros. The fact that no persons were injured is merely due to fortunate circumstances and demonstrates that the perpetrators knowingly accepted even the risk to human lives.*

12. Voluntary military service and home defence

Since the suspension of compulsory military service in 2011, voluntary military service plays a key role in the Bundeswehr's personnel recruitment. During this service, which lasts between 7 and 23 months, young people have the opportunity to gain insight into the Bundeswehr and get a taste of different career opportunities within the Bundeswehr. It continues to be one of the objectives of this service to recruit temporary-career volunteers from the ranks of military service volunteers. This is demonstrated in particular by the fact that 2,138 military service volunteers were transferred to the service status of temporary-career volunteer in the year under review. As at the end of 2022, a total of 9,163 women and men (excluding 287 in home defence) served in the Bundeswehr as volunteers for military service (2021: 8,518, 2020: 8,251). 8,618 of them joined in the year under review (2021: 8,171, 2020: 7,194). During their probationary period, 1,444 servicewomen and -men exercised their right of termination and prematurely ended their service in the armed forces. The main reasons for their premature departure were of a personal nature, such as another or better professional alternative, different expectations of service in the Bundeswehr or the distance of the location from their home. In a total of 385 cases, the Bundeswehr dismissed the volunteers for military service, mostly because of a lack of physical or personal aptitude.

The criticism voiced in previous years about the excessive duration of some application processes seems to have brought about an improvement in the overall situation. In addition, the fact that most of the pandemic-related restrictions have been lifted certainly made a positive contribution in that the Parliamentary Commissioner for the Armed Forces did not receive any submissions from applicants on this topic.

The project entitled “Your Year for Germany – **Voluntary Military Service in Homeland Defence**” was launched in 2021, initially as a pilot and subsequently incorporated into normal operation. It was and still is aimed at increasing the number of reservists and improving the Bundeswehr's public relations work by addressing a new target group. The idea behind the concept is that, after seven months of military training, the volunteers are available for exercises and operations for a period of six years, until they have served for another five months in total. In the year under review, 2,043 people (1,633 men and 410 women) volunteered for this service. Of this number, 986 (2021: 843) actually entered service. In 2022, a total of 214 military service volunteers from the four recruitment quarters from July 2021 to April 2022 completed their seven months of active service and are now in their six-year assignment period in the voluntary military service in homeland defence. 254 servicewomen and -men left the Bundeswehr at their own request during the six-month probationary period; this represents a dropout rate of 28 per cent. The reasons provided by those surveyed for leaving the Bundeswehr before the end of the regular period of service were private motivations or an alternative job offer. 23 individuals were dismissed by the employer. A total of 332 of the military service volunteers in homeland defence switched their service status in the year under review. Out of this number, six servicewomen and -men enlisted for the first time in the career path of junior-ranking temporary career volunteers and 326 extended their term of service in regular voluntary military service.

The fact that only one petition was received in relation to topics around “voluntary military service in home defence” permits the cautious conclusion that the servicewomen and -men in voluntary military service in homeland defence seem relatively satisfied. The single case mentioned related to the lack of information about the obligation to tolerate the Covid-19 vaccination:

- *Only on the day he started service at the beginning of January 2022 did the Bundeswehr make a young soldier aware of this obligation so that he had to decide quickly between taking the vaccination and exercising the right of withdrawal. He opted to withdraw. The Bundeswehr stated that the instructions in connection with the obligation to tolerate the Covid-19 vaccination had been updated in December 2021. The assignment procedure for the petitioner had, however, already been completed in November. Due to the major administrative effort and the fact that information on the increased obligation for servicewomen and*

-men to tolerate vaccination had been publicly available, it had been decided not to inform individually those who had been assigned before the instructions were amended.

In times of digitalised and largely automated administration, these reasons are acceptable only to a limited extent. It is, moreover, a sign of fair treatment to make significant changes to general conditions transparent to recently recruited personnel, especially if they could lead to a withdrawal. Given the large amount of different information on compulsory vaccinations, it is not expedient to rely exclusively on the recruits' own initiative.

13. Reserve

The deployment of reservists in routine operations and missions is established practice in the armed forces. An active reserve is of crucial importance for the Bundeswehr's ability to expand and staying power. In recent years, between 16,000 and around 18,000 citizens have traded their civilian clothes for uniforms for varying periods of time. A total of 37,041 reservists were assigned in the year under review, including 2,481 women. During this period, 18,679 reservists – both assigned and non-assigned – supported the active troops in 46,904 services, the duration of which ranged from one day to 12 months. This included 1,335 women.

More than ever, the return to national and alliance defence requires a reliable and operationally ready reserve as an integral component of the armed forces. This means that the reserve must be fully staffed, equipped, up to strength and trained.

Reserve assignment for retiring service personnel

The central building block in the creation of an operationally ready reserve is the Reserve Strategy – Vision 2032, which was developed by the Ministry of Defence in autumn 2019. An implementation plan in 2020 comprised a large number of individual measures to be implemented. The Reserve Coordination Group, which was launched in the same year, was given the task of successfully implementing the strategy. Its core element, the reserve assignment for retiring service personnel, which is designed to ensure a rapid increase in personnel in the event of a state of tension or defence, has been in force since 1 October 2021. Since then, all Bundeswehr servicemen and -women who leave active service and are fit for military service, i.e. medically available under military law, and no older than 57 years of age have been assigned to the reserve for a period of six years. The assumption is that there will be an average of 12,000 servicewomen and -men per year.

Those fit for military service are to be assigned to a post in line with needs, where they can use the capabilities they have acquired during active service as effectively as possible. From the date on which reserve assignment for retiring service personnel was introduced in autumn 2021 to the end of the year under review, the Bundeswehr discharged a total of 25,818 servicewomen and -men. Of this total, 19,037 women and men were in principle available for reserve assignment for retiring service personnel, although the result of the military medical assessment had not yet been issued. However, only 4,784 reserve assignments for retiring service personnel were in fact implemented. This means that about three quarters of those persons, i.e. 14,253, had not yet been assigned to the reserve for retired service personnel, although the relevant process had been initiated for 11,017 persons. The reasons for this, quoted by the Bundeswehr, included in particular a lack of posts budgeted for in the target organisation of the **reinforcement reserve** to which people can be assigned, the time-consuming nature of the administrative implementation of each reserve assignment for retiring service personnel and an increasing shortage of staff processing personnel matters. Missing or incomplete medical discharge documents also contributed to the delays, which is why an electronic health record could significantly accelerate and simplify this procedure.

For the group of people to be assigned to the reserve for retired service personnel, it is at present normally assumed that they will perform the function of a guard and security soldier, for example securing streets and guarding buildings. The equipment those affected receive is the subset for the reserve assignment for retiring service personnel, which can be expanded on an ad-hoc basis. Even if the implementation of reserve assignment for retiring service personnel is evidently a major challenge for the Bundeswehr, which is well aware of the potential for improvement here, it would be desirable to speed up the assignment of those affected so that they can make the necessary preparations.

It should be emphasised that even during the reserve assignment for retiring service personnel, the principle of **voluntary** service by reservists in peacetime remains in place:

- *It therefore led to irritation among servicewomen and -men that the Bundeswehr at different points of the Reserve Strategy talks of “selective extension of active duty”, according to which reservists can be called up even without voluntary consent.*

The expression “selective extension of active duty” is used neither in the Act Relating to the Legal Status of Military Personnel nor in the Compulsory Military Service Act. It means unlimited exercises as standby duty in the event of a crisis under Section 61 (3) of the Act Relating to the Legal Status of Military Personnel; any corresponding call-ups would be compulsory. There would have to be a situation of potential threat to the Federal Republic of Germany that does not, however, require a state of tension or defence to have yet been established. When making such an order, the Federal Government has political discretion that cannot be reviewed by the courts. These kinds of call-ups must be ended when the reason for the order no longer applies.

Reinforcement and equipment

Given the rise in demand for national and alliance defence and for home defence, the 5,000 posts intended for reservists in the year under review were insufficient, similar to the pandemic-affected years of 2020 and 2021 (4,500 posts in each year). The Bundeswehr refers to these posts as “**res posts**”. Such a post is equivalent to 365 service days, which can be divided among several individuals and services. The Bundeswehr’s plans to increase the number of reserve posts from 5,000 in the year under review to 7,500 in 2027 and permanently keep them at that level are therefore to be welcomed. Of this number, 4,500 posts are to be available for routine operations. The reserve posts beyond that number are intended for reserve assignment for retiring service personnel, voluntary military service in home defence and special projects. This will enable the Bundeswehr to realise a higher number of call-ups. The Parliamentary Commissioner for the Armed Forces will closely monitor the implementation of these plans.

A very good offering for strengthening the reserve is the “**Training for Those without Prior Military Service**”, a Bundeswehr project launched in 2018 in cooperation with the Reservist Association. This entry into the career of junior-ranking reservists in the line service is possible in the Joint Support and Enabling Service major organisational element. As part of modular basic training, interested individuals attend weekend events at which they receive military training, which includes, among other things, the handling of weapons, life in the field, guarding and security duties, military law training and civic education. In addition to existing options, for example engagement as a reserve officer, women and men with less time can complete military service in this way in order to follow it up by doing reservist duty. They must be eligible under military law and undergo a successful security clearance check. In the year under review, 398 women and men took part in the training, which was offered by six Regional Territorial Commands. 482 training spaces for those without prior military service are planned for 2023.

An operationally ready reserve needs well-trained personnel, which in turn requires appropriate **training capacities**:

- *During a visit to the Federal Office of Bundeswehr Personnel Management, the Parliamentary Officer for the Armed Forces was told that active servicewomen and -men were given preference in the allocation of training spaces and that reservists were not given the training courses they needed. Investigations into the matter revealed that, during the Covid-19 pandemic, there had been reduced training capacity in isolated instances and this had necessitated the prioritisation of active personnel in some parts.*

It is to be welcomed that, after dealing with the pandemic situation, there is a return to proportionate allocation of training spaces to reservists on career and assignment courses (one space on training courses for up to 25 participants, and two spaces on training courses for 25 participants or more). Even though it cannot be established that reservists are systematically disadvantaged, the Bundeswehr must urgently increase the training capacities, especially given the rise in the number of reserve posts, in order to prevent permanently losing high-performing, highly motivated reservists.

In addition to good-quality training, reservists also need the required clothing and equipment. The following case is intended to demonstrate how difficult it can be to try and obtain urgently required **protective clothing**:

- *A company sergeant of a supplementary unit of a tank battalion complained that, for over two years, he had been trying to obtain armoured combat vehicle crewmen’s coveralls for the assigned reservists of his company. Although this was not part of the equipment allowance, it was an occupational health and safety*

requirement. Only the petition to the Parliamentary Commissioner made it possible to provide all those affected with this absolutely necessary piece of equipment, at least for the active reserve exercise. From 2025 onward, the plan is to permanently equip assigned reservists with tropical armoured combat vehicle crewmen's coveralls, 5-colour camouflage print, which had to date only been available for deployments.

The Parliamentary Commissioner for the Armed Forces very much welcomes this Bundeswehr plan, although it would be desirable to bring the date for providing the equipment forward significantly.

Assurance of livelihood

In the year under review, there were also petitions on various aspects of the assurance of livelihood:

- *For example, self-employed reservists who are members of occupational pension schemes (e.g. that of medical doctors) and had applied for and obtained the minimum benefits for their reserve duties under the Benefit Payment and Dependents Maintenance Act made the Parliamentary Commissioner aware of the fact that no contributions to old-age pensions were being paid into these pension schemes. To remedy this, the Federal Office of Bundeswehr Personnel Management successfully entered into an agreement with the German Pension Insurance Scheme. The Pension Insurance Scheme now assumes an occupation for reservists that is eligible for exemption from the obligation to make pension insurance contributions. The right to exemption is to be determined by whether those affected provide profession-specific services during the reservist duty. If there is an exemption, the Federal Office of Bundeswehr Personnel Management can pay the contributions to the respective occupational pension scheme.*

It is encouraging that the concerns of those affected can be accommodated in future, at least if they are deployed in their profession-specific capacity.

Another positive aspect is that the daily rate of the **minimum benefits** for reservists under the Benefit Payment and Dependents Maintenance Act will be adjusted in line with regular adjustments to the corresponding basic salaries and the family allowance. This means that those who receive minimum benefits also benefit from general income trends.

- *In the year under review, the Parliamentary Commissioner received petitions that criticised delays in increasing the daily rates. The Bundeswehr explained that the increase had been effective as from 28 May 2022. It took into account both the 1.2 per cent increase in federal civil service remuneration as at 1 April 2021 and the 1.8 per cent increase as at 1 April 2022. Moreover, other departments had had to be involved before the required ordinance entered into force.*

Although the timelines are understandable, the Bundeswehr should, for reasons including equal treatment with active servicewomen and -men, nevertheless aim to adjust the daily rates more promptly, for example by adjusting the daily minimum benefit rates annually, especially since the increases are not applied retrospectively.

An amendment to a directive that affects **service pay** was likewise not retrospective, and this led to petitions:

- *Following an amendment to the directive on 9 December 2021, reservists who are entitled to a foreign assignment allowance under the Benefit Payment and Dependents Maintenance Act can now also receive service pay for services rendered on a Saturday, Sunday or public holiday and for one-day services on a Friday. This was made possible by a decision handed down by the Düsseldorf Administrative Court on 15 October 2021, on the basis of which the Bundeswehr revised the administrative practice in force up to then, under which the foreign assignment allowance already included compensation for these services. However, the amendment to the directive applies only to future cases and not yet to cases rejected with full and final effect.*

Although disappointment in the fact that the ruling does not apply retrospectively is understandable, the new directive must be viewed positively as it strengthens appreciation for the services provided by reservists.

Another legal amendment that is necessary concerns the part of the **family allowance** relating to children:

- *When doing duty as reservists, former career soldiers claimed benefits for pension recipients under the Benefit Payment and Dependents Maintenance Act and criticised the fact that the calculation did not take into account the part of the family allowance relating to children when determining pensionable service*

pay. This resulted in reservists with many children being at a financial disadvantage. Specifically this meant that a reservist with three children received EUR 350 in maintenance benefits, as against a reservist without children, who was paid EUR 990. The Bundeswehr recognised this unequal treatment and initiated a change in the law. However, it is not expected to be implemented before 2023.

Another disadvantage affecting reservists in the **Corona Special Bonus** – Public Health Sector – has also been eliminated. The special payment for this group of people was tax-free, unlike for active servicewomen and -men at first, so that only 70 per cent of the bonus was paid out. After the tax for active soldiers was removed, reservists retrospectively received the previously unpaid 30 per cent of the Corona Special Bonus.

Up to now, reservists have been required to live in government accommodation. Although exemptions are possible, especially in the case of assignment close to home, a claim to payment of the costs for the daily journey home, as applies to active servicewomen and -men, is only possible if it can be proven that no government accommodation is available. The suggestion made by the Parliamentary Commissioner of creating a formal choice between accommodation at the location of duty and the reimbursement of travel expenses for trips home continues to be the subject of a ministerial review. A solution to this issue should be found soon in the interest of the reservists.

Personnel issues

In the year under review, reservists also expressed their dissatisfaction with the new rules for **promotion**. By way of the revised version of the General Guideline on “Promotion, Recruitment, Transfer and Admission of Military Personnel” of 9 September 2022, promotions in reserve careers are subject to both longer minimum periods of service in the rank achieved – and thus aligned with those of active servicewomen and -men – and longer times of military service duration in the existing rank. This means, for example, that the promotion of a reserve major to reserve lieutenant colonel now requires not only the completion of 36 days (instead of the previous 24 days) of military service in the rank of major but also a minimum period of three years in the rank of major. Although it is understandable that those affected are disappointed in the extended period to promotion, these amendments cannot be objected to, given the internal dynamic of the armed forces, especially the equal treatment of reservists and active servicewomen and -men.

Reserve officer candidates in the military service with the status of temporary-career soldier for three years criticised that, as a result of an amendment to the Military Career Regulation, there would be no **promotion to senior officer cadet** after 30 months, contrary to previous promises and plans:

- *In a short e-mail, the Federal Office of Bundeswehr Personnel Management had informed the 16 individuals affected that, according to an instruction from the Ministry of Defence of December 2021, the new legal situation meant that promotion to senior officer cadet was no longer permitted in their career. It was now only intended for the career of officers in the officer specialist service. In one case, a reserve officer candidate was nevertheless promoted to this rank by mistake. Although the Bundeswehr understood the dissatisfaction with the change in promotion practice, it did not see any further need for action, despite the Parliamentary Commissioner’s intensive efforts to find a solution. It argued that the different treatment was justified, since an intermediate school-leaving certificate or an equivalent qualification was sufficient for the career of reserve officers in the line service, while the career of officers in the officer specialist service required a university entrance or similar qualification. Members of both career paths could, however, be promoted to lieutenant or reserve lieutenant after 36 months.*

These cases illustrate exactly how the Bundeswehr should not treat high-performing and highly motivated candidates for the career of reserve officers, if it wants to continue to encourage people to commit to the armed forces. The lack of communication on the new legal situation contributed to a considerable loss of confidence and demotivation among those affected.

Errors in personnel management cannot always be avoided, but their effect is all the more severe if they cause a feeling that those affected are not **appreciated**:

- *A reservist, who had been very committed for many years, had to wait for four years to receive his official certificate of thanks for his services rendered in the Bundeswehr. Only following the submission of a petition to the Parliamentary Commissioner for the Armed Forces did he receive the well-deserved certificate to which he was entitled as well as a farewell letter from the competent Bundeswehr agency.*

The Parliamentary Commissioner campaigns for improving the visibility and integration of the Bundeswehr as a whole – including the reserve – in society. She thanks specifically those **employers** who allow their employees to take part in reserve exercises. This is existential for the reserve as reserve service has been voluntary since compulsory military service was suspended. The Bundeswehr now also provides a large amount of very helpful information for private-sector companies or authorities on what compensation they can get for being prepared to make a contribution to the security of our country.

Experienced reservists in the best of health continue to request sometimes to serve beyond the **age of 65**. So far, this has run contrary to the Legal Status of Military Personnel Act, which stipulates that the maximum age for all status groups is 65 without exception. The Bundeswehr wants to retain this rule. Its priority with the Reserve Strategy is on the reinforcement reserve, which requires mostly younger people. It should nevertheless not ignore the tremendous skills of older reservists and consider allowing them to render services beyond the age of 65 in justified exceptional circumstances.

14. Veterans

An order of the day issued by the then Minister of Defence on 23 November 2018 defines a veteran of the Bundeswehr as anyone who is actively serving as a soldier in the Bundeswehr or who has been honourably discharged from this service, in other words they have not lost their rank. The veterans badge, which all veterans are eligible for, is intended to be an expression of appreciation and recognition and make them visible in public. By the end of the year under review, the Bundeswehr had issued 80,579 **veterans badges**, although in isolated instances this happened only after several years and with the help of the Parliamentary Commissioner.

A key point in the Bundeswehr's veteran activities, which is also of great significance in terms of the dedication of many servicewomen and -men as well as former soldiers, is the process of dealing with the 20-year Afghanistan mission as part of a Study Commission in the German Bundestag.

Moreover, the development of the Veterans Office is taking shape. It is intended to increase the visibility of veterans and strengthen the care provided to this group of people – especially if there are injuries sustained during operations. There is still no progress, however, with the establishment of a veterans' home, where veterans in need can get temporary accommodation. The Bundeswehr should rapidly pursue this good idea. It would be desirable overall if a more visible **veteran culture** could also establish itself in this country. This requires stronger and more effective input into the public debate.

One event providing such input is the **Invictus Games**, which were held for the fifth time and attended by the Parliamentary Commissioner in The Hague in April of the year under review. 500 servicewomen and -men from 17 countries who had suffered physical or mental injuries were represented, having travelled to the event with families and friends. The games mean individual rehabilitation for the participants and are a major step for the return to service and daily life. The sports therapy group of Warendorf Sports School deserves great praise for its excellent support of the German team. A highlight in German veteran activities in 2023 will be that the Invictus Games will be held in Düsseldorf under the motto of "A Home for Respect" from 9 to 16 September 2023.

15. Diversity in the Bundeswehr

People of different ages, cultural backgrounds, religious or other beliefs, sexual identity or orientation, with or without limitations serve in the Bundeswehr. They all make their contribution to accomplish its mission. The Bundeswehr signed the "Charter of Diversity" back in 2012 and is committed to creating a working environment guided by openness, appreciation and equal rights. Diversity is considered part of the leadership and organisational culture. Accordingly, much has been done in recent years to promote diversity and reduce discrimination. But there is a gap between ambition and reality, as the study entitled "Bunt in der Bundeswehr?" on diversity in the Bundeswehr conducted in 2020 by the Armed Forces Office revealed. Its key findings were summarised in a brochure, which was published only in the year under review.

Proposed by the Parliamentary Commissioner in 2016, the study confirms a fair and positive climate of inclusion from the Ministry's perspective. It finds that employment and service arrangements are now in place that recognise and are in keeping with diversity in the Bundeswehr organisation. According to the results of the study, being part of a specific diversity group does not affect participation in important decisions or inclusion in

day-to-day working life. Likewise, it says that there are no differences between the diversity groups in the distribution of workloads (for instance volume of work and working hours) and the consequences of stress (for example burnout symptoms); the only exception is the group of gender-diverse members of the Bundeswehr. In this case, the data indicated abnormal stress levels and the resulting consequences of stress.

However, the study paints a different picture in terms of the frequency of discrimination experienced. It found that members of the Bundeswehr still and repeatedly felt that they were being disadvantaged because of their gender, origin, sexual orientation or because of an impairment. Women and men with a disability or limitations were affected particularly frequently. For example, 21.1 per cent of study participants indicated that they had been discriminated against because of their gender in the past 24 months. This means that women in the Bundeswehr reported more frequently that they had experienced discrimination than women in general working life.

The study also found that stereotypical ways of thinking were common – especially in relation to women and men: servicemen are associated with better command and control capability than their female comrades, while servicewomen are thought to have general advantages in promotions and performance evaluations. Other stereotypes identified included that people without limitations performed better than people with limitations.

It is to be welcomed that the study contains proposals on what measures to take to eliminate discrimination and stereotyping in future. It is clear that the study's findings must translate into a mandate for getting further measures, efforts, projects and initiatives under way to turn a hesitant "Bunt in der Bundeswehr?" into a confident "Bunt in der Bundeswehr!".

This process should also include addressing issues arising from the way in which **social media** is handled. A judgement handed down by the Federal Administrative Court drew public criticism; the case involved a disciplinary reprimand for a female staff officer:

- *The servicewoman, who was a commander at the time of the reprimand, created a Tinder profile for herself. In addition to her first name and age, the profile read: "Spontaneous, sensual, trans*, open relationship and looking for sex. All genders welcome." The disciplinary superior considered this to be a breach of the off-duty good conduct obligation laid down in the Legal Status of Military Personnel Act and issued a reprimand, which was upheld by the Bundeswehr disciplinary and complaints court. The Federal Administrative Court also concurred with the superior and explained in the declaratory part of the judgement that the words could conceivably create the wrong impression of "a considerable lack of integrity of character", "an indiscriminate sex life" or "a lack of sexual discipline". The servicewoman lodged a constitutional complaint against this decision, citing Article 2 of the Basic Law and arguing that the right to sexual self-determination, which forms part of the general personal rights, could only be restricted if people could be harmed in the process. The Federal Constitutional Court's decision is still pending.*

The ruling handed down by the Federal Administrative Court has created uncertainty among many servicewomen and -men about the way they use social media. In particular, it raised the question about what was allowed in the private sphere and at what point the line to a breach of the off-duty good conduct obligation had been crossed. In the Parliamentary Commissioner's opinion, this ruling demonstrates that **outdated ideas of morality**, stereotypical ways of thinking and discriminatory practices stubbornly persist in the Bundeswehr and in our society. She therefore welcomes the fact that the Federal Constitutional Court will rule on the case. To create legal certainty, there is, however, some action the Ministry of Defence needs to take in advance. It should, for example, address the private use of social media in the Social Media Guidelines to provide greater clarity for the way social media is used.

Rehabilitation

The Bundeswehr achieved success in the rehabilitation of homosexual soldiers, who had been subjected to decades of systematic discrimination in the Bundeswehr. The Act on the Rehabilitation of Soldiers Who Were Discriminated against under Service Regulations because of Consensual Homosexual Acts, because of their Homosexual Orientation or because of their Gender Identity is always interpreted benevolently in favour of applicants who experienced severe personal suffering in the past.

The financial compensation is EUR 3,000 for each overturned judgement and a one-time payment of EUR 3,000 for not inconsiderable legal disadvantages during service. It is encouraging that, by way of applying the Rehabilitation Act accordingly, the Bundeswehr has also decided in the claimants' favour in cases where the statement refers to the period after the legal cut-off date of 3 July 2000. That is the day on which the Bundeswehr repealed the 1984 Decree on the Personnel Management of Homosexual Soldiers, thus ending the systematic discrimination against homosexual soldiers. The Federal Ministry of Defence has promised to continue to apply the act generously in this regard in future proceedings.

Transidentity

Experience with the “Transidentity in the Bundeswehr” guide shows that the Bundeswehr has made great strides with regard to the acceptance of transidentity persons. Feedback indicates that the guide provides both those affected and those officially involved in the procedure with the necessary information and confidence in how to act. The “guide for the military medical service – gender reassignment measures in transsexualism”, which is now available, finally provides unit physicians with the necessary information on the individual process steps in gender reassignment measures, which had previously been subject to uncertainty because of the complexity. The guide has clarified that the change in civil status is not a mandatory condition for receiving gender reassignment measures.

That is to be welcomed, as this requirement was rightly a point to be criticised in the past. Especially when dealing with transidentity servicewomen and -men, who suffer severe psychological strain, the unit physicians are called upon to rid them of the feeling that they are not noticed or understood. In many cases, the bureaucratic wording of notifications and letters issued by the Bundeswehr is not suited to explaining decisions to those affected, especially if they are negative. Communication has to be improved here. The Bundeswehr should continue to put all efforts into the review of the General Regulation on “Military Medical Assessment” so that potential disorders in the area of gender differentiation can be analysed by applying modern, up-to-date criteria without automatically leading to permanent unfitness for service.

The Bundeswehr has already done a great deal to ensure **equal linguistic treatment** of all servicewomen and -men. There are currently no provisions, however, on the linguistic inclusion of the third gender and non-binary gender identities. According to the Ministry of Defence, an inter-ministerial agreement is required before a new, common Bundeswehr guide can be drawn up, a process for which the Federal Ministry of the Interior and Community has lead responsibility.

16. Compatibility of family and duty

The compatibility of family and duty is a major challenge for servicewomen and -men. High levels of mobility, flexibility and operational readiness are demanded of them. Frequent transfers, deployments abroad and training courses far away from home place strain on the entire military family. The Bundeswehr has already gone to some lengths to improve the compatibility of family and duty.

Challenges stemming from operational readiness

Unforeseen events such as the Covid-19 pandemic and especially the war in Ukraine require new ways. To launch such a debate, the Parliamentary Commissioner, together with the Catholic military chaplaincy and the Protestant chaplaincy in the Bundeswehr organised a **workshop** on “Family and duty in 2022, effects of the Covid-19 pandemic and of the war in Ukraine on the families of servicewomen and -men”, which was held on 8 September of the year under review. It was attended by over 150 representatives of personnel representation bodies, associations, trade unions, the Ministry of Defence, equal opportunity officers, the Military Rabbinate and Parliament. In four working groups on “Special requirements for personnel support and personnel management”, “Operational readiness and family”, “Fears of children” and “The impact of the pandemic and fear of war on family work in cases of trauma”, the delegates discussed the many different problems and complications and developed suggestions, measures and objectives.

The most significant results include the following findings and the resulting suggestions:

- *The functional capacity of the armed forces depends on the operational readiness of its personnel. Stock needs to be taken to get an exact picture of how many servicewomen and -men are in fact available to complete the mission. It would make sense to conduct an anonymous survey to establish the proportion of those who, in the context of their private health- and training-related requirements, are actually capable of doing so.*
- *Not every soldier realises what it means to have to go on deployment, possibly even at short notice. For this reason, each servicewoman and -man should be required to keep a deployment or precaution file aimed at regularly considering their own operational capability and restoring it if necessary.*
- *In addition, servicewomen and -men should consider how family duties could be arranged during a period of deployment-related absence and what fallback levels are required in case the plans unpredictably have to change. In this context, the employer is likewise called upon to provide assistance, for example financially by compensating for lost earnings for a grandparent while providing childcare.*
- *Military families in which both parents serve in the Bundeswehr are no longer a rare occurrence. It would therefore be desirable to introduce protection regulations that specify that only one parent can/may be planned for a deployment during the period in question if there are underage children.*
- *Children and young adults of servicewomen and -men who have suffered deployment-related trauma have to share the resulting strains and often need help themselves. They should therefore be given the opportunity to be exempted from going to school so they can take part in the required therapies. This could be modelled on exemption rules for top-level sport.*
- *An essential aspect of good leadership is to support servicewomen and -men in the balancing act between operational commitments and family duties. But to do so, superiors have to be familiar with the different tools to ensure better compatibility of family and duty; this is only possible if they have had the necessary training.*
- *The pandemic has shown that mobile working is also possible in the Bundeswehr and a large number of tasks, including leadership tasks, can be performed from home or other locations. But “distance leadership” poses different challenges for command personnel than face-to-face leadership and requires training, especially before a leadership role is assumed. To reflect the importance of this form of leadership and its enhancement, it should in future be included in the material taught in the “leadership development and civic education today” programme.*

Together with the Catholic military chaplaincy and the Protestant chaplaincy in the Bundeswehr, the Parliamentary Commissioner for the Armed Forces recommends taking the results and suggestions presented seriously in order to contribute to improving the life situation of servicewomen and -men and developing a viable plan to secure the Bundeswehr’s operational readiness. Personnel management also has a major responsibility in this context. In all personnel decisions to be made, it should unwaveringly consider the compatibility of each decision with servicewomen and -men’s family commitments.

Childcare

Ensuring childcare that meets the needs and takes account of the particular interests of the profession of soldier is one of the most important prerequisites for the compatibility of family and duty, for servicewomen and -men with parental responsibilities. Although constitutionally, the legal entitlement to a childcare place does not exist vis-à-vis the employer but vis-à-vis the municipalities, the Bundeswehr should nevertheless, in the interest of being an attractive employer and increasing the ad-hoc operational readiness of the armed forces, expand its efforts to find such opportunities. Availability at short notice, in particular, requires more and more flexible childcare opportunities. Considering national and alliance defence, the existing plans, costings and demand calculations should be fundamentally revised.

Encouragingly, it was possible again to increase the number of childcare places in the year under review. In total, the Bundeswehr currently has 1,162 childcare places nationwide. These comprise 612 rights to places (including 67 places for training course participants), 122 places in day-care and large-scale day-care centres and 428 places in Bundeswehr-affiliated day-care centres and one Bundeswehr-owned day-care centre. Despite this positive development, some locations offer only limited childcare facilities, for example the Munster

location. The existing **rights to places** for ten places in a local day-care centre do not cover the additional demand for up to 25 places identified by the Parliamentary Commissioner to ensure the compatibility of family and duty. The calculated number of 25 places will probably fall far short of actual demand. However, the Parliamentary Commissioner is in close negotiations with the municipality to acquire additional rights to places. She stated that she would pursue this vigorously so that she can take part in all projects as needed.

- *During a visit to Calw, it became clear that, given the high proportion of weekend commuters in the unit and the absolute requirement, especially for SOFCOM, to be ready to deploy immediately, childcare at the location in particular will have to be improved. There is above all a shortage of all-day childcare options for the children of members of the unit. The situation could be rectified by establishing a dedicated day-care centre. The current demand for childcare places is being determined.*

The situation at the Quakenbrück location is also unsatisfactory. Availability at public facilities is not sufficient:

- *One serviceman wanted to know during a troop visit by the Parliamentary Commissioner whether rights to places were planned for the public day-care centre that was under construction. The Ministry of Defence conceded that there had been problems with childcare in isolated instances in the past. They had always been resolved quickly in cooperation with the competent Family Service office. There was no intention therefore to acquire rights to places at present. The Parliamentary Commissioner nevertheless sees the need for urgent action.*

Even facilities on the Bundeswehr's own premises do not automatically meet the troops' demand:

- *Of the 48 places in the civilian-operated day-care centre on the premises of the Blücher Barracks in Berlin-Kladow, the Bundeswehr has rights to only four places. What is more, it only accepts children from Berlin, even though the day-care centre is situated directly on the border with the federal state of Brandenburg, where some of the servicewomen and -men of the parts of 1 Medical Regiment stationed at the barracks live. Especially against the backdrop of the important mandate of the Medical Service, reserve places and greater flexibility in childcare would be very helpful here.*

The operation of **dedicated Bundeswehr day-care centres**, at least at major Bundeswehr locations, is desirable to do justice to the particular interests of the profession of soldier. It is, however, also a question of effort, time, bureaucratic requirements and not least, financial aspects. In the interest of operationally ready troops, such issues should, however, be secondary:

- *During a troop visit to 161 Logistic Battalion in Delmenhorst, The Parliamentary Commissioner learnt that ten childcare place were available, but future demand was for around 20 places. The Ministry of Defence responded that the implementation of childcare projects was based on a three-phase stepped procedure agreed with the Ministry of Finance. In September 2019, the garrison senior officer of the Delmenhorst location had first identified demand for childcare that could not be met by the municipality (phase 1). In response, the Ministry had recognised Bundeswehr-specific demand for 15 childcare places (phase 2). In phase 3, discussions had been held with the municipality in the course of 2020 about obtaining rights to places, although they ended without any result being reached. Subsequently, at the end of May 2021, the instruction had been issued to the Federal Office of Bundeswehr Personnel Management to initiate the process for establishing a large-scale day-care centre. This was now intended to be set up in a building of the Delmetal Barracks as part of the complete renovation of the building. Renovations were expected to start in January 2025 and use was expected to be transferred in 2026.*

In the present case, the agencies of the Bundeswehr acted swiftly within the parameters of the relevant regulations and rapidly worked through the stepped procedure. Nevertheless, it is more than unsatisfactory that it took almost seven years from identifying the childcare demand to meeting it. The children whose parents expressed the need will meanwhile have entered school. For a location of this size, it is predictable that the 15 places planned will fall far short of meeting demand up to completion of the facility. As in other infrastructure projects, the construction and implementation phase is protracted and complex and the Bundeswehr has to rely on the federal state building authorities to do their work quickly. Unfortunately these authorities do not have a rapid implementation process either.

Regrettably, the Bundeswehr is still not considering **after-school care**. With a view to ensuring that the Bundeswehr is operationally ready, there should also be options for schoolchildren.

Servicewomen and men still do not understand why the possibility to **reduce working hours** from 41 to 40 hours a week is contingent on the receipt of child benefit, as is also the case for civil servants:

- *They argue that this does not reflect the reality of life, especially for divorced parents who take alternate care of their children. Moreover, no direct relation between the receipt of child benefit and the care services actually provided could be determined.*

The Parliamentary Commissioner's proposal to tie the option to reduce working hours to the right of custody for divorced and separated couples was not followed up by the departments responsible for a potential change in the law, led by the Federal Ministry of the Interior and Community. The reasons provided for this include that the right of custody pursues a broader approach and does not primarily tie in with the actual provision of care services. What is more, due to wide differences in individual life situations, this approach may also lead to unequal treatment, for example if parents who are not married have not agreed joint custody.

The assistance for childcare provided to military families in certain cases includes the right to the **reimbursement of costs** for a domestic helper under the Ordinance on Domestic Help for Soldiers. This is subject to the requirement that, as a result of a special foreign assignment or preparation for such an assignment, a standby commitment or a standing operational task, the care can only be provided by a family and domestic helper and the costs are not otherwise reimbursable:

- *Affected servicewomen and -men complain that the bar for qualifying for these arrangements is far too high and the actual requirement is not covered in any way, since only costs based on EUR 50 euros a day (with a maximum hourly rate of EUR 10) can be invoiced. The Ministry of Defence states that this reimbursement of costs is for dealing with exceptional circumstances; it is not meant to be a standard benefit for the absence of normal assistance from the rest of the family in the event of a work-related absence.*

The cost bases are not very up to date. The hourly rate is below the statutory minimum wage. The level of support therefore needs to be based on a realistic rate that also takes inflation into account. The term "Ordinance on Domestic Help" also suggests it is possible to receive funding for a "domestic helper". But actually, these are allowances for "care services". This, too, repeatedly leads to misunderstandings and confusion. The name of the ordinance should therefore reflect its actual purpose; the Ministry should revise the entire ordinance and promptly publish information on the options for using family support.

Rights to obtaining **special leave** for childcare apply only for biological or adopted children, stepchildren, grandchildren or foster children:

- *A serviceman who shares a home with his fiancée and her child complained about the fact that he could not get special leave for this child. He had applied for such leave because his fiancée, likewise a servicewoman, was on a training course and care at the day-care centre was not possible because it was closed due to cases of Covid-19.*

In the Parliamentary Commissioner's opinion, the definition of the term "child", as applied in the Special Leave Ordinance, is not broad enough. She therefore suggests making an amendment so that, when special leave is granted in future, children brought into the relationship by a partner for whom an obligation to provide care may arise as a result will also be taken into account.

It is encouraging that solutions are beginning to emerge in relation to **childcare during school holidays** for children from military families. For example, following the successful completion of a childcare pilot project during school holidays in Mayen by the Bundeswehr Social Services in 2021, such childcare during school holidays will continue to be provided in accordance with educational and professional quality standards in future. At other Bundeswehr locations, childcare during school holidays could also be provided, without the duty assignment of Bundeswehr personnel, by Bundeswehr-affiliated institutions such as the Protestant Association for the Welfare of Military Personnel and the Catholic Association for the Welfare of Military Personnel. Following the successful pilot at the Eckernförde and Kiel locations, the Protestant Association for the Welfare of Military Personnel will continue to provide childcare during school holidays at these locations in 2023. The aim is additionally to expand childcare during school holidays, to be provided by the Protestant and Catholic Associations for the Welfare of Military Personnel, to another 10 to 12 locations.

Problems of a commuter army

It can no longer be taken for granted that entire military families move to a new place of duty. In most cases, the partner's job makes this difficult. Compared to others, servicewomen and -men are among the occupational groups that have to cope with the longest commutes between home and the place of duty. Scientific studies have been warning for years that long commutes are harmful not only to physical health. Being separated from family and friends also reduces to a minimum soldiers' social support network, which is an indispensable resource for psychosocial relief. As a result, psychological problems mount among those affected.

The Bundeswehr is aware of the possible negative ramifications of commuting on the mental health of servicewomen and -men. It is therefore difficult to understand why the regulation entitled "Maintaining and increasing the mental fitness of servicewomen and -men" again failed to enter into force in the year under review. The target for publication is now the first half of 2023. The intention is to advocate understanding among the families of and people important to servicewomen and -men for the special nature of service in the armed forces and to compensate, at least to some extent, for the unavoidable physical distances through informal proximity. In addition, acceptance and appreciation by civil society for all members of the Bundeswehr are a key factor in influencing service satisfaction and identification with the profession of soldier, and therefore also mental fitness. Those who feel that service in Germany and in deployments abroad is supported by society will be better able to cope with the particular strains associated with the profession of soldier. It is therefore encouraging that the population's solidarity with the troops and the proportion of those who consider the Bundeswehr important have increased compared with previous years. Not least, the Bundeswehr Psychosocial Network also gives servicewomen and -men the best possible professional psychosocial support.

As in all previous years, the Parliamentary Commissioner for the Armed Forces received numerous petitions that centred on requesting a **close-to-home transfer** for personal reasons. In the vast majority of cases, personnel management was very accommodating and open-minded towards soldiers' preferences. Unfortunately, a lack of assignment options or a lack of substitutes meant that even reasonable transfer requests cannot always happen. Unless there are serious personal reasons, service interests take priority. This also includes necessities arising from the security situation. One serviceman made this experience in the following case:

- *In principle, he had totally understandable reasons for requesting a close-to-home transfer. He was already receiving medical care and psychological support provided by unit medical officers because of the strain of many years of commuting. In addition, he had sought better opportunities to make efforts towards reintegration into a civilian career. However, as a trained soldier of Air Force Security Force A, he was part of the infantry personnel, which is highly prioritised due to the altered security policy situation. The Federal Office of Bundeswehr Personnel Management therefore rightly decided against a transfer, which could only have been realised in combination with a change in assignment category.*

Servicewomen and -men with **joint custody** after a divorce or separation increasingly request to stay or be transferred close to home so that they can meet their care obligations:

- *For example, one petitioner had stated that he had to look after his daughter because his former partner, with whom the child lived, was working shifts. Due to a lack of assignment options, his transfer requests remained unsuccessful. Personnel management did not consider the recognition of a serious personal reason justified, which would have enabled a transfer. It argued that this was a problem that generally posed challenges for all families with children. In the Parliamentary Commissioner's opinion, this does not constitute misconduct on the part of personnel management.*

In the year under review, the Federal Office of Bundeswehr Personnel Management finally implemented the Parliamentary Commissioner's recommendation dating from 2017 to compile an internal **guide** for personnel managers for recognising serious personal reasons in applications for close-to-home transfers. In the past, they had often failed to realise their own discretion and relied exclusively on the recommendations of unit physicians when taking their decisions, without taking welfare aspects, financial burdens, social parameters, family aspects and many other factors adequately into account in the examination.

In the following case, the prospect of close-to-home assignment could be identified for one soldier, at least in the long term:

- *The married soldier, who has two children and whose wife works part-time in a care profession, had turned to the Parliamentary Commissioner after four applications for a close-to-home transfer had already been processed without success; in his opinion, they had not been dealt with speedily and carefully. The Federal Office of Bundeswehr Personnel Management conceded that there had been unnecessary delays in the processing by the personnel responsible for the troops and gave an assurance that it would raise awareness and provide training in this regard. The rejection of the transfer requests due to the lack of unusual hardship could not be objected to. The petition nevertheless had an outcome that was satisfactory for both parties and close-to-home transfer has been mutually agreed for 1 October 2025.*

Alternative working models

Many superiors have overcome their prejudices against **mobile working**, even though not all of them are equally able to deal with the existing options. In recent years, it took up to 18 months from a teleworking job being approved to the provision of the requisite technical equipment, and this repeatedly drew criticism. The technical parameters have improved significantly since then and waiting times had declined to four-and-a-half months by the end of the year under review. Further efforts are required here. It is to be welcomed that, irrespective of family or personal strains, the instrument of teleworking is enjoying increasingly broad acceptance.

Part-time employment continues to be one of the preferred forms of working for servicewomen and -men as a way of implementing a better work-life balance. It is increasingly being accepted in the Bundeswehr, but still not at all levels. The “part-time leadership” model has so far not become universally popular. Part-time leadership means performing management and personnel responsibilities for a specified organisational unit with reduced working hours. Unless there are factors such as the number of children or care for close relatives, the Legal Status of Military Personnel Act currently permits servicewomen and -men to serve on a part-time basis only for up to 12 years, while there is no such restriction under civil service law. The special nature of the profession of soldier is cited as the reason. An amendment to the act will, however, allow servicewomen and -men to extend their part-time employment arrangements to up to 15 years, starting in 2025. To boost the compatibility of family and duty, it would be desirable to bring the starting date forward to 2023.

Those doing military service part-time or partially as a teleworking job tend to fare worse at **performance evaluations**. This has been found by assessments of military appraisal rounds, which are conducted regularly in the Ministry of Defence. Based on these findings, the Ministry intends to take measures in the assessment process to counteract such disadvantages currently in the appraisal process. In particular, the plan is to raise awareness among the superiors conducting the appraisals and the specialised personnel management staff. This should be implemented swiftly.

Servicewomen and -men also complained about being disadvantaged with regard to the reimbursement of contributions to health insurance and long-term care insurance during **parental leave**:

- *While civil servants are reimbursed in full or up to a maximum if certain conditions are met, this does not apply to servicewomen and -men. That is not justified.*

The Ministry has taken on board the Parliamentary Commissioner’s comments in its considerations for revising the applicable regulations on maternity leave and parental leave for servicewomen and -men. The legislative procedure will, however, still take some time.

17. Health

Health service support

Servicewomen and -men receive free medical care under the Bundeswehr's free medical care scheme. In any health-related matters, it is compulsory for them to consult Bundeswehr medical facilities, such as unit physicians, regional medical centres and Bundeswehr Hospitals.

At troop visits by the Parliamentary Commissioner for the Armed Forces, servicewomen and -men repeatedly reported that the Medical Service was also greatly impacted by the effects of Russia’s war against Ukraine. For example, within the scope of national and alliance defence, the Medical Service has to make operational forces

available for the VJTF or NATO Response Force at very short notice to move. At the same time, it is required to maintain routine operations, for instance at **Bundeswehr Hospitals**. The Medical Service's situation is also exacerbated by the fact that servicewomen and -men have had to cope with two extraordinarily challenging years. The five Bundeswehr Hospitals played a significant role in providing the civilian population with medical care during the Covid-19 pandemic, with specialist medical and nursing staff also providing administrative assistance during the pandemic. In the remit of the Operational Medical Support Command alone, members of the Medical Service worked a total of 1,636,272 hours in administrative assistance. A further aggravating factor is that the Medical Service's ability to accomplish its mission is also affected by family-related absences, such as maternity leave, an employment ban during pregnancy, parental leave and part-time employment:

- *At a troop visit to Bundeswehr Hospital Westerstede, the shortage of nursing staff, in particular, was mentioned in all interviews as an issue. Servicewomen and -men stated that of those working in patient care and nursing, almost two-thirds were women, 32 per cent of whom were between the age of 26-35 years. This explained the high number of pregnancies and associated family-related absences. At the time of the troop visit, it was only possible for 92 of the 135 beds to be occupied, as a result of vacancies. This situation also has a knock-on effect on authorisations to provide further training, for example, as these are subject to the corresponding practical experience of working with patients. If trainers lose their authorisation, they may no longer provide basic and follow-on training, ultimately jeopardising operational medical support as a whole.*
- *On a troop visit to Bundeswehr Hospital Ulm, the Parliamentary Commissioner for the Armed Forces came across a similar situation affecting the intensive care unit in particular.*
- *At a troop visit to Bundeswehr University Munich, the Parliamentary Commissioner learned that Medical Centre Neubiberg had far too few doctors, psychologists and medical support staff in terms of fulfilling its remit. Among the students, there were reportedly some on long-term sick leave suffering from physical and, in particular, psychological problems requiring extensive support. Another issue identified was that of students wanting to leave the Bundeswehr. In many cases, the only way to make this happen was to initiate an unfitness for service procedure. This was reported to be a time-consuming process, to a large extent tying up psychologists and specialist physicians who were responsible for the students' care and required to write their psychological assessment reports. What is more, servicewomen and -men are required to undergo a medical assessment every three years as standard. This means that 25 assessment reports have to be drawn up each week.*

A similar situation can be seen with **regional medical facilities** responsible for providing outpatient medical care for servicewomen and -men across the country, as demonstrated by petitions from members of various medical centres:

- *They reported on the excessive workload placed on employees as a result of staff shortages – for reasons such as illness, parental leave and operational secondments – and the additional burdens imposed during the Covid-19 pandemic. The following were also highlighted as issues: no option of working from home and the dwindling attractiveness of and lack of appreciation for the work of a unit physician.*

In addition to providing medical treatment, medical centres are also responsible for the military medical care assessments (90/5) of servicewomen and -men. When it comes to assessing fitness for assignment to deployments abroad, the increase in workload can be significant in situations in which servicewomen and -men due to go on deployment abroad at short notice need to be assessed before they leave:

- *For example, at a troop visit to 1 Surface-to-Air Missile Wing in Husum by the Parliamentary Commissioner for the Armed Forces, it was reported that the high volume of assessments in connection with deployment in Slovakia placed a very high burden on the medical unit. From the perspective of the troops, it was desirable for these assessments to take up minimum time and effort.*

With the Bundeswehr shifting its mission focus towards national and alliance defence, the demand for faster and more flexible operational readiness of larger contingents has significantly increased. To facilitate a rapid and reliable notice to move posture for servicewomen and -men receiving activation orders, it would be useful to introduce a basic system of assessment applicable in the longer term, which would cover at least the European area and not be restricted to specific situations. In this way, it would be possible to avoid unforeseeable time-critical “mass” rounds of assessments.

The examples given are not isolated cases. They illustrate how widespread and large-scale the staff shortages are in the Medical Service. They also highlight the extent to which the Medical Service faces an exceptional problem in terms of **family-related absences** given its high proportion of servicewomen compared to other organisational elements.

The Ministry of Defence acknowledges that, to date, the limited staffing of the Medical Service has essentially been geared to the requirements of international crisis management. The Ministry has recognised that a substantial increase in Medical Service personnel is necessary to respond to the refocus on national and alliance defence and it has promised to **increase the number of posts**. For the intermediate goal for 2025 to support an Army division, it has approved the addition of 2,000 posts for the Medical Service. Although this decision is to be welcomed, the new posts have so far only been created in terms of planning. It will take time to set them up and, especially, to fill them with qualified personnel, and the solution will only relieve the strain in the medium term. If the actual number of posts filled, for example in 1 Medical Regiment in Weißenfels, only lies at 60 per cent, the Ministry must arrange short-term relief for the relevant formations and their servicewomen and -men and quickly start increasing staffing levels. It is especially important that the solutions offered are flexible.

In the case of part-time employment, the relevant agencies can also apply for what are known as compensatory posts. However, for absences due to parental leave, it is more difficult to replace the staff in question. If parental leave lasts for up to twelve months, the Bundeswehr generally offers the mother or father their previous posts back at the end of their parental leave. Although this practice is to be welcomed in terms of caring for service personnel, the relevant formation tends to lose out and has to contend with a staffing gap for months on end. In such cases, it is usually not possible to temporarily fill the post for the term of parental leave, because replacement personnel can hardly be expected to be assigned for a period of twelve months or less. There is absolutely no option to replace personnel for the duration of an employment ban during pregnancy. And yet these employment bans are reaching a pertinent level in the Medical Service, because they are issued on a regular basis given the heavy physical nature of the activities, particularly in the area of patient care.

It is to be welcomed that the Federal Ministry of Defence has recognised the issue of family-related absences in the Medical Service of the Bundeswehr and is stepping up its efforts to find solutions. According to the Ministry, this involves, in particular, ascertaining whether it is possible to extend the option of creating **compensatory posts**. Troops and the Ministry alike must work together intensively in this respect, above all because the servicewomen and -men covering for these absences are often performing their duties at the limits of their strength. And rapid solutions are also required so that young mothers and fathers in the Bundeswehr receive the family-oriented message that their parenthood is indeed welcome. As long as pregnancies imply that comrades are going to suffer greatly under additional workloads, accomplishments in family policy – such as parental leave or maternity leave – will remain purely legislative structures that have not been thoroughly thought through.

There are also other areas within the Bundeswehr Hospitals apart from patient care, for instance **information technology**, which are affected by staff shortages:

- *A staff sergeant deployed as an administrator in the IT department of Bundeswehr Hospital Hamburg complained that the personnel situation was steadily deteriorating while the volume and diversity of duties was growing. According to him, various notifications to superiors that the workload was excessive had fallen on deaf ears, as a result of which he, as well as one of his comrades, went off sick. A review of the situation revealed that the specific problems concerning administrators in this hospital were known and that efforts had even been made to reduce the workload on staff. Focus now lay on reintegrating the petitioner and closely supporting him in the process of resuming his duties, to prevent the possibility of him becoming overworked again.*

According to the Ministry of Defence, the fraught personnel situation in IT is expected to ease in the medium term, including at Bundeswehr Hospital Hamburg. Under the 2019 medium-term personnel plan, an additional 52 posts (38 military and 14 civilian posts) had been approved. These posts would be created in the target organisation of the Bundeswehr Hospitals on a staggered basis with effect from 1 April 2024 and 1 April 2025.

A centre with responsibility for **medical care for service personnel** is allocated to each place of duty where the health records of the servicewomen and -men working there are held and where they primarily – with the exception of emergencies and acute illnesses – have to be treated and assessed by unit medical officers. This can lead to relatively long journeys for servicewomen and -men who are teleworking or working from home:

- *A serviceman teleworking from his home town, who – during the Covid-19 pandemic – also had a working from home arrangement criticised the fact that the Bundeswehr refused to allow him to switch the responsible Medical Centre allocated to him. The review of the matter found that, according to the applicable regulation, such a switch was only possible in the case of a transfer. However, the Medical Service Command went on to add that it envisaged making a change to this arrangement, given the trend towards mobile working in the future. The intention was to make it possible to switch the responsible medical facilities, provided that the majority of working hours in the week were spent at a different location than the place of duty. This intention is to be expressly welcomed.*

Greater flexibility in the provision of medical care for servicewomen and -men would be ensured if the Medical Service enjoyed greater digitalisation:

- *Reservists complained, for example, that paper-based health records had gone missing, which meant that examinations had had to be repeated, thus jeopardising the start of reserve duty training.*
- *One serviceman criticised the fact that he had had to travel over 120km to the dental section originally responsible for him so that he could sort out the retrospective referral after receiving emergency dental treatment by a civilian dentist. He conceded that sending the emergency referral by post would have been a better option here.*

However, an even better solution would be to have such formalities dealt with digitally. For example, it would make a lot of sense to use the military ID card to simplify the process of reading patient data in the civilian health system.

During a visit to Israel, the Parliamentary Commissioner learned more about the digitalisation of the health system of the Israeli armed forces from the Head of Medical Service Division of the Israeli Army. Apparently 95 per cent of all its health records are digitalised. The health data would be analysed in an automated process, such as data mining, to identify any health patterns, trends and developments at an early stage and to be able to react accordingly. The majority of health care services provided by the Israeli Medical Service is also digitalised. For example, Israeli servicewomen and -men received automatic notifications on their smartphones about upcoming check-ups and examinations. Doctor's appointments in the Medical Service could be arranged via an app. The Bundeswehr should also look into introducing innovative and modern methods such as these.

The introduction of an **electronic health record**, which has long been called for in the Bundeswehr, is still only at an initial project stage, having encountered a not insignificant number of difficulties:

- *At a troop visit to Medical Support Centre Wilhelmshaven, servicewomen and -men criticised the GoLive project adopted there. The driving force behind the project is the IT Support for Regional Medical Facilities, which were launched in November 2020. GoLive is one of six IT projects in the area of health care to be implemented by the end of 2025, with the aim of generating the initial capability to roll out the electronic health record. According to servicewomen and -men in Wilhelmshaven, the project was ultimately creating a not inconsiderable amount of additional work. In response to the criticism from Wilhelmshaven, the Ministry of Defence confirmed that further functionalities would indeed be required to ensure comprehensive IT support for the 175 regional health facilities at which the IT support project had so far been rolled out.*

By the go-live date of the project, i.e. when the software is meant to start running under live conditions, the armed forces will not yet have a state-of-the-art solution, because – looking ahead – IT support in medical care will still require further development in another project. According to the Ministry, the software will not be fully up to date in terms of scope and user-friendliness until this further development work has been completed. The corresponding requirements document for a modern software solution has been available since the end of September 2022, but it is not yet clear when the locally installed software will be fully updated. A further factor at play is the changing requirements prescribed by law and obligations to be met by the data protection officer, in turn requiring changes to be made to the software. The situation is exacerbated by the fact that it has not always been possible for health care digitalisation projects in the Bundeswehr to prevail against other IT projects, according to information provided by the Ministry of Defence. The only way to help this situation is to assign additional **budgetary funds**. But such funding is exactly what is missing. The schedule for the project to roll out the electronic health record, for example, is dependent on it. The urgently needed initial capability for 2026 is subject to continuous budgetary funding. So for the time being, despite every effort, the situation

remains the same not only in terms of the Bundeswehr's medical facilities no longer having a state-of-the-art digital infrastructure but also with respect to the problem of additional work raised by those concerned at Medical Support Centre Wilhelmshaven. The Bundeswehr should work more intensively on remedying this unacceptable situation.

After an accident or illness, a servicewoman or -man's fitness for duty may be affected on an ongoing basis. In this respect, the Medical Service of the Bundeswehr is also called upon to provide medical **rehabilitation** services. To plan and coordinate the process of rehabilitation for full or limited fitness for duty, the Bundeswehr has been successively setting up "interdisciplinary patient-centred rehabilitation teams" at Bundeswehr Hospitals and in regional medical facilities at Medical Support Centre level over the last few years. In addition, the Bundeswehr Centre for Sports Medicine offers personnel injured while on operations intensive rehabilitation based on sports medicine as well as sport therapy. A pilot procedure has also been up and running since 2018, with five specialist medical centres offering interdisciplinary rehabilitation expertise. In addition to the various specialist medical disciplines, psychotherapy and physiotherapy are also offered at these centres. Apart from receiving intensive therapy for more complex cases or day-care treatments, the injured parties can also use the service for advice on any issues relating to rehabilitation. Unfortunately, no definitive data is yet available on the degree to which these services are utilised at all pilot sites. However, the Ministry of Defence believes that the preliminary interim results reveal a positive impact. In response to the finding of permanent unfitness for service, the Bundeswehr should continue working on exhausting all options to reintegrate servicewomen and -men who have suffered an accident or have been ill. Not only does this form part of the Bundeswehr's duty of care as an employer, but it is also in its own best interests. It would be good if the pilot procedure resulted in rehabilitation support centres rolling out across the rest of the country with a corresponding increase in personnel.

A further key task of the Medical Service is to provide servicewomen and -men with health care while they are on **deployment**. To make the extensive duties performed by Medical Service personnel available to a wider public, the Medical Instruction Regiment "Lower Bavaria" in Feldkirchen regularly runs an impressive information and training exercise. In addition to presentations on the primary medical care performed by operational first responders and treatments carried out by medical personnel, the exercise includes an introduction to and explanation of the qualified medical evacuation procedure to a Medical Service treatment facility. This rescue chain ensures the consistent and reliable quality of treatment for wounded or ill servicewomen and -men on deployment, corresponding to the standard level of quality in Germany. To sustainably safeguard the rescue chain, the corresponding material resources and functioning vehicles must always be available on site, in addition to sufficiently well trained personnel.

In terms of training personnel, an advanced online training concept, San-Netz, has been up and running since 2011. **San-Netz** offers its now more than 10,000 users online access to a wide range of training-related and informative content. The Bundeswehr Medical Service calls it the Integrated Learning, Information and Collaborative Work System. An online library and the option for members to exchange information and network with other members via chat or video conference complete the features offered by the system. Unlike with the Bundeswehr Intranet, San-Netz can be used via the internet on any device. This capability certainly paid dividends during the pandemic.

- *At a visit by the Parliamentary Commissioner for the Armed Forces to the Bundeswehr Medical Academy in Munich, an officer recounted his experiences during the development of San-Netz. According to the serviceman, the platform came into being as a result of considerable initiative on his own part, however he said he did not receive any assistance or support from the employer in the years in which it was being set up. Regrettably, the same can be said of other personal initiatives in the Bundeswehr.*

The Bundeswehr has since fortunately realised these shortcomings and is working on a solution. For instance, in future, it should be possible for idea generators to informally approach the Centre for Digitalisation of the Bundeswehr and Capability Development for the Cyber and Information Domain Service, newly established on 1 October 2022, with their suggestions for innovations. Innovative projects could then ideally be submitted from there, for example, to the Bundeswehr's Cyber Innovation Hub directly for implementation. The intention is also for the Centre for Digitalisation of the Bundeswehr and Capability Development for the Cyber and Information Domain Service to offer assistance and support services to the idea generators. Even if **suggestions for innovations** fall outside the Centre's area of responsibility, the main point of contact is expected to connect with the relevant agency responsible for the specialist area in question. It is hoped this concept will be put into

practice. The success of the strategy also depends on whether the main point of contact has sufficient confidence to take action, which includes having sufficient knowledge of the Bundeswehr's digitalisation landscape, familiarity with the relevant regulations in this area and a healthy dose of pragmatism.

By stepping up its involvement in successful developments in the area of digitalisation generated from individual initiatives, the Bundeswehr not only provides support for such initiatives, it also promotes a further key innovation driver for digitalisation. Here too, the Bundeswehr is heading in the right direction. For example, San-Netz, which resulted from an individual initiative, has been integrated with **Link and Learn** since November 2022, which is a Bundeswehr-wide platform for communication, initial training, follow-on training and collaboration. This means that the benefits of San-Netz, which had previously only been enjoyed by the Bundeswehr's Medical Service personnel, should now be available for all Bundeswehr personnel via Link and Learn. It is good that the Bundeswehr's innovation management efforts are opening up prospects for the potential of individual initiatives – and, as in the case of San-Netz, even establishing them in the long term. The positive findings here arising from an individual initiative will ultimately be conveyed to other areas. However, the ongoing enhancements of the original San-Netz platform will only be considered a digitalisation success if this does not impact on its dynamism and the acceptance enjoyed among users to date.

Covid-19 vaccination

After the inclusion of the Covid-19 vaccination in the basic vaccination schedule at the end of 2021 and the associated obligation for servicewomen and -men to tolerate this vaccination, 182 reports were received within the scope of the Bundeswehr's Morale and Incident Reporting in the year under review, giving notification of servicewomen and -men refusing to comply with this compulsory vaccination. Reports were also received of suspected falsification of vaccination records.

- *Servicewomen and -men also contacted the Parliamentary Commissioner for the Armed Forces with petitions in which they fundamentally questioned the lawfulness and proportionality of the obligation to tolerate this Covid-19 vaccination and complained about its enforcement by disciplinary superiors.*

The arguments in favour of the **obligation to tolerate vaccination** continue to exist – such as the special nature of military service, the requirement to guarantee operational readiness and the employer's duty of care for the health of servicewomen and -men. The Federal Administrative Court has now delivered two decisions rejecting the applications of two air force officers against the obligation to tolerate Covid-19 vaccination on the grounds that they are unfounded. After hearing experts and specialists from the Paul Ehrlich Institute and Robert Koch Institute, Military Affairs Division I reached the verdict that the General Regulation standardising the implementation of Covid-19 vaccination is procedurally and substantively lawful. In particular, the Federal Ministry of Defence was found not to have exceeded the discretionary power granted to it when it introduced the obligation to tolerate vaccination in November 2021. However, the Military Affairs Division also pointed out that standing requests should always be reviewed to check whether they remain proportionate and appropriate if circumstances change. It stated that the Ministry was therefore tasked with evaluating and monitoring the period for which the obligation to tolerate Covid-19 vaccination should continue to be upheld. What is more, the Ministry promised the General Spokespersons' Committee – whose involvement in the process was mandatory – that it would evaluate the decision. In this respect, further developments are awaited.

Deployment-related mental illness

In 2022, 305 servicewomen and -men were treated for the first time at a psychiatric department or specialist psychiatric examination centre of the Medical Service for a deployment-related mental illness, 197 of whom were treated for a post-traumatic stress disorder. The number of new cases therefore remains at a constant level compared to previous years. In the majority of the new cases (159), the illness is in connection with the recently completed ISAF mission in Afghanistan, indicating that there are still significant delays in the affected individuals' access to the Bundeswehr's medical care system.

Servicewomen and -men with deployment-related mental illnesses receive inpatient and outpatient treatment under the free medical care scheme for servicewomen and -men. Inpatient treatment is generally provided at Bundeswehr Hospitals, but can also be given at suitable civilian facilities. Outpatient treatments are usually provided by civilian therapists based in the vicinity of the patient's place of residence. In terms of expanding

outpatient treatment options, it is encouraging that **teams of psychotherapists** have been set up at five specialist medical centres, in addition to psychiatrists, as part of a pilot project to bolster psychotherapy skills in regional medical health care facilities. These teams comprise one professional grade post with a qualification to practise as a psychological psychotherapist and one post for an assistant psychologist in diagnostics. The plan is to consolidate the teams at the existing pilot sites and then set such teams up at all 13 specialist medical centres once the pilot project has been completed, provided that sufficient resources are available. One of the aims of this bolstered capacity is to make it possible for servicewomen and -men who have been injured while on deployment and who are subject to a confidentiality obligation in connection with their activities on deployment to use the services of these therapists – subject to them undergoing the corresponding security clearance – extensively and without conflict in terms of the existing confidentiality obligation.

The employer is responsible for ensuring that its servicewomen and -men injured while on deployment have access to the best possible treatment. The overriding goal is to reintegrate the personnel in question. This means placing greater focus on **alternative therapeutic approaches** in addition to conventional therapeutic approaches, especially considering the not insignificant number of service personnel for whom rehabilitation has proven to be difficult or even impossible. This is recognised by the Medical Service. Having demonstrated the positive impact (in terms of the enhanced quality of therapy and a quantitative increase in the successful treatment cases) of using dogs within the scope of psychotrauma therapy, a separate collaborative research project is now under way. It offers the option of testing the method of dog-assisted intervention during therapy so that further analysable data on its effectiveness can be ascertained and the parties involved can access treatment immediately. The aim is to roll out dog-assisted interventions as part of psychotherapeutic treatments nationwide and ultimately to integrate it as a standard service offered under the free medical care scheme for servicewomen and -men. This is to be welcomed. However, it is regrettable that there already seem to be problems in creating the posts additionally required for the project. The impact of using horses for animal-assisted interventions as part of psychotherapeutic treatment is currently being investigated in a clinical study. If, here too, the findings show a positive impact, it would be desirable in terms of duty of care to also roll this option out nationwide.

The employer's duty of care requires it not only to ensure that deployment-related psychological injuries are treated and supported after they arise, but also to take preventative measures. In this respect, it is very good that the Psychotrauma Centre of Bundeswehr Hospital Berlin, working in conjunction with the Bundeswehr Psychology Service, has come up with a concept for **buddy-based psychological assistance**. This is like a sort of psychological first aid in combat situations. The aim is not only to restore combat readiness and proceed with the mission. It is also intended to prevent subsequent psychological conditions. The feeling of helplessness and failure in connection with an acute stress reaction increases the risk of subsequent emotional problems. If the servicewoman or -man in question is able to resume the mission as a result of receiving buddy-based psychological assistance, the feeling of helplessness disappears and, in the best case scenario, no trauma develops. However, apart from this special concept, prevention needs to be actively driven forward by boosting the psychological resilience of servicewomen and -men.

Caretakers for those injured while on deployment give support to service personnel with deployment-related injuries and their families, so that they can find what they are looking for in terms of suitable help and support programmes. They can help with application processes, accompany service personnel on visits to the doctor and Bundeswehr Social Services, give advice on the support services available within and outside the Bundeswehr, show ways of reintegrating with everyday life and provide assistance in this process. They generally do this as a part-time rather than full-time role.

- *At a troop visit by the Parliamentary Commissioner for the Armed Forces to 1 Airborne Brigade at Saarlouis, she learned that the psychological strain on all the Brigade's servicewomen and -men was at an extremely high level. As an outfit, the Brigade had suffered the highest number of fatalities during the Afghanistan deployment. No applications for posts as full-time caretakers, particularly at the Zweibrücken had yet been successful. The review of the matter found that 15 caretakers are currently deployed at 1 Airborne Brigade, 14 of whom are on a part-time basis – as provided for in the caretaker concept set up by the Army – and 1 on a full-time basis. Creating a caretaker post should only be envisaged by way of exception, where justified by the number of personnel who have been injured while on deployment and require treatment. The 1 Airborne Brigade applications received to date had apparently been rejected, because, at the time of the respective applications, the number of personnel injured while on deployment was on average already too low for the part-time caretakers in post.*

The **Act on the Continued Employment of Personnel for Operations** offers servicewomen and -men with deployment-related psychological injuries the option of medical and occupational rehabilitation in the Bundeswehr within the scope of a special type of military service or protection period. They first undergo medical treatment and then occupational rehabilitation. This often results in periods in which the personnel in question only serve for a short while or do not serve at all over the years in which they are receiving medical treatment, and this ends up making their reintegration and occupational rehabilitation more difficult. What is more, it is likewise not straightforward holding the option open for temporary-career volunteers with deployment-related injuries to continue employment as a career soldier. It is particularly difficult if there are significant restrictions on their employment or if the personnel in question can only serve on close-to-home assignments. It is therefore good that all experience gained from applying the Act on the Continued Employment of Personnel for Operations is evaluated from now on, ultimately leading to a revision of the law. Further development would be desirable so that the occupational reintegration of personnel with deployment-related injuries within an appropriate time period can be more stringently pursued. In this respect, it is of paramount importance for the overall rehabilitation process to be as transparent as possible for those involved, particularly in terms of information on options and payment of disablement pension and the Military Personnel Compensation Act applicable as of 2025, should reintegration prove not possible in the end.

The “Support and Care under One Roof” **seminar**, which had been cancelled due to the pandemic for the last two years, fortunately started up again in the year under review, running at least one – albeit shortened – round. The information it covers provides important support for those affected and for their partners who are often under a huge strain. It is hoped that it will also continue to run in the future.

disablement pension

In the year under review, there was renewed criticism of the time taken to process applications under social compensation law by the Federal Office of Bundeswehr Personnel Management. The processes involved in recognising a service-related disability, in particular, can take quite a while. Despite this, between 70 and 80 per cent of processes are now completed within a year. Service-related disability processes involving a psychological deployment-related illness last an average of 22 months. When investigating the facts in such cases, delays can arise, especially if the facts in question date back a long way, and cannot be accepted as established based on the presence of a TIC (troops in contact) sheet. Witnesses then have to be found, who can confirm the information given by the applicant. This can lead to considerable delays, for instance if witnesses cannot be traced, do not respond or no longer remember.

In cases of deployment-related psychological illnesses, delays can also occur in performing the evaluation of the causal link, including the degree of resultant disability. The Disability Assessment Service of the Federal Office of Bundeswehr Personnel Management first checks whether all the requisite information is available, after which a designated assessor draws up the requisite expert opinion either by assessing the case on the basis of documents or – if this is not sufficient – by carrying out a face-to-face assessment. A factor complicating this process is that there is a shortage of **psychiatric assessors** who have the requisite disability assessment expertise and are familiar with conditions specific to military service. It would be feasible to engage suitable Bundeswehr personnel on a part-time basis, but this would conflict with the limit on additional earnings. It is undoubtedly difficult for those affected to endure the fact that the above circumstances can lead to extraordinarily long processing times in their individual cases. However, a comprehensive and, most importantly, professionally substantiated assessment should also be in their interest.

Recognition of a service-related disability takes place based on the degree of the resultant disability. The affected person will not be entitled to compensatory pension benefits unless this degree of disability is over 25. However, a deployment-related psychological illness can improve if treated appropriately, which is why, as a general rule, a follow-up examination is automatically arranged. This examination may then result in the degree of resultant disability being adjusted downwards:

- *A number of petitioners expressed their incomprehension of the fact that the degree of resultant disability of their deployment-related psychological injury recognised as a service-related disability is to be adjusted downwards purely on the basis of documents. The Ministry of Defence explained that this is a standard procedure. To ascertain the extent of the degree of resultant disability, it is necessary to assess the extent of impairment to their capacity to participate. This impairment can be established by examining the*

(specialist) medical treatment documents and cannot be based on a snapshot view taking into account the complaints presented by the affected person. There is no objection to this explanation.

The issue of **radar victims** has occupied the Office of the Parliamentary Commissioner for the Armed Forces for many years and has constantly featured in the annual reports. The study commissioned by the Federal Ministry of Defence on possible genetic damage to the descendants of radar technicians, the results of which had already been announced for 2020, was completed in the year under review and is now to be reviewed by an independent advisory body. The study is expected to be published in the first quarter of 2023. According to information from the Ministry, a decision will then need to be made about the conclusions to be drawn from the study.

Suicides and attempted suicides

In 2022, 18 suicides (2021: 20, 2020: 11, 2019: 21) and 64 attempted suicides (2021: 58, 2020: 61, 2019: 52) by servicewomen and -men were recorded by the Office of the Parliamentary Commissioner for the Armed Forces. These statistics are based solely on the reportable events submitted to the Ministry of Defence and the Parliamentary Commissioner as daily reports, including a few cases of purely verbal suicide intentions or those feared by relatives. The actual number of suicides and attempted suicides may be higher. It is assumed that the reporting bodies are not notified of every case of suicide and attempted suicide. Only doctors have access to medical records, for instance. Finally, the statistics for the 2022 annual report also include facts that have not yet been conclusively reviewed. These may therefore also include cases where the suspicion of suicide or an attempted suicide is not confirmed.

The Parliamentary Commissioner reviews every case that comes to her knowledge. She is particularly interested in possible service-related pressures (for instance, deployment abroad) experienced by the parties concerned, as well as any hardships and problems, where these concern their work or work environment. Furthermore, the Parliamentary Commissioner enquires about assistance and support measures or offers for the relevant servicewoman or -man as well as for their work and home environment. The Parliamentary Commissioner usually obtains comprehensive comments in response to her review request, with sufficient detail to give her an idea of the scope of the events. In nearly every case, the measures initiated and implemented are comprehensive, exemplary and wide-ranging, illustrating the caring, extensive and varied options offered by the Bundeswehr when handling such events.

In the vast majority of cases, the cause of a suicide or attempted suicide is named as problems in the person's private life or psychological illnesses. At first glance, this may appear to be understandable. However, a **military medical analysis** conducted by Bundeswehr Hospital Berlin back in 2016 concluded that a monocausal explanation of suicide in a military context was not sufficient. On the contrary, suicide was generally a result of a multifactorial process. A simple yet credible cause of problems in the private life of a servicewoman or -man is, for example, commuting or being away from home for longer periods of time. For instance, their work circumstances, although not appearing to play a direct role in the specific case, can easily act as a catalyst for private problems and, as a result, be associated with suicides and attempted suicides.

It is good that the Bundeswehr is devoting considerable attention to scientific expertise on issues of suicidality in the armed forces. In an ongoing survey by the Bundeswehr Psychotrauma Centre under the suicide register of the Medical Service, all suicides recorded in the Medical Service have been analysed since 2010. It is noteworthy that servicemen – especially very young ones – tended to die by suicide more frequently compared to the same group in the civilian population. Studies on the US Armed Forces describe this same tendency. It is therefore indeed possible to refer to a trend that is typical of the military. According to the Psychotrauma Centre, servicemen who are not in a relationship are also over-represented. It is therefore clear that both are risk factors. Indications of a link between suicide and a foreign assignment or a PTSD diagnosis are less common than assumed – which is positive news.

The extensive network of care-based **support services** available in the event of crises in the lives of servicewomen and -men – such as spokespeople, military chaplains, the Bundeswehr Psychology Service, unit physicians, the commissioner for surviving dependants, caretakers for those with deployment-related injuries and the Bundeswehr Social Services – is arguably unique for a single occupational group in Germany. Servicewomen and -men should not feel any false sense of shame in actually making use of these options if they

are facing difficult life situations, suffering psychological illnesses or undergoing stressful experiences. Those affected are often very worried about stigmatisation. The aim should be to take these fears away from them.

The range of institutionalised services offered by the Bundeswehr includes camaraderie and an active duty of care on the part of superiors. By intervening and offering a sympathetic ear in times of life crises, they often shield those affected from worse suffering.

18. Duty of care

Military Personnel Working Hours Ordinance

The Military Personnel Working Hours Ordinance entered into force in 2016 with the aim of introducing regular weekly working hours for servicewomen and -men. This is intended to increase the attractiveness of service and improve the compatibility of family and duty. However, in conversations and during troop visits, servicewomen and -men repeatedly criticise the Military Personnel Working Hours Ordinance, in force since 2016, for restricting their everyday lives. Its requirements are too restrictive, particularly in terms of exercises in the field and military challenges at different times of the day and night. The Ministry of Defence took these findings and further feedback as an opportunity to start **evaluating** the Military Personnel Working Hours Ordinance. According to an initial statement, consultations commenced in August of the year under review with all formations and interest groups relevant for the status group of the servicewomen and -men.

The entire process is taking far too long and must be driven with greater commitment. Especially the sustainment training of service personnel is a core element of national and alliance defence and may not be afflicted by rigid rules. Solutions should be found which, for example, give personnel room to manoeuvre in terms of mission-type command and control so that compensation for additional work performed can be organised more flexibly.

The lack of any **electronic time and attendance recording** continues to be a source of irritation at many Bundeswehr sites and facilities:

- *At Bundeswehr Hospital Ulm, the responsible personnel continue to calculate overtime by manual means, given the lack of electronic options for doing so. The resultant additional work can hardly be achieved with the available personnel, with the result that overtime payments are delayed by up to six months.*
- *At 41 Armoured Infantry Brigade in Neubrandenburg, servicewomen and -men pointed out to the Parliamentary Commissioner that although a device for digitally recording time and attendance had been available for seven years now, it was not yet operational.*

Bundeswehr agencies that introduced a flexitime system of working time management have had access to electronic time and attendance recording systems organised locally since 2005. Since the transposition of the EU Working Time Directive in 2016, the Bundeswehr has been working on having its own comprehensive state-of-the-art system of electronic time and attendance recording. With its procurement contract in 2019, the Bundeswehr finally set out the right preconditions for introducing such a system. However, it initially failed because none of the bids met the submission conditions. This was an irritating result, to say the least, given the scale and attractiveness of the contract. A new approach with a new proposed solution then led to a project delay of over 18 months. Out of six selected pilot agencies, rollout then started in at least one of the agencies in 2022, while the other five agencies are expected to have the electronic time and attendance recording system between January and April 2023. Specifically, these agencies are the 62 Air Transport Wing in Wunstorf, the Bundeswehr Logistics School based in Garlstedt, the 61 Bundeswehr Technical Centre in Manching, the 912 Electronic Warfare Battalion in Nienburg, the Central Institute of the Bundeswehr Medical Service in Munich and the Bundeswehr service centre in Landsberg am Lech.

According to the Ministry of Defence, the evaluation of the pilot project is expected to be completed by the end of 2025, by which time at the latest the Bundeswehr intends to replace all legacy systems and interim solutions with standardised and automated recording systems. For the servicewomen and -men in the 41 Armoured Infantry Brigade in Neubrandenburg, the Ministry of Defence estimates that, in the best case scenario, the automated time and attendance recording system will be up and running in 2023, eight to nine years after installing the electronic time and attendance recording device.

It is very dissatisfying that hardly any progress has generally been made. The wait for a modern digital time and attendance recording system in the Bundeswehr has gone on for more than six years since the Military Personnel Working Hours Ordinance entered into force and 18 years since the first electronic solutions were introduced in the Bundeswehr.

Financial matters

The high energy and fuel prices are felt most bitterly by servicewomen and -men who are particularly affected by transfers and deployments far from home as part of their professional duty:

- *For instance, at a troop visit, servicewomen and -men complained that the existing travel allowance received for journeys home under the Federal Travel Expenses Act no longer covered the actual costs incurred using a passenger car for that journey. They say the allowance is limited to 20 cents per kilometre, with a maximum of EUR 130.*

This criticism clearly illustrates the conflict between consistently realising interests under climate protection law, on the one hand, and the need for individuals to use their passenger car for journeys home, on the other. A further factor to be taken into consideration is that, depending on the location of the site in question and place of residence, a journey home by public transport can take longer than is reasonable. The Bundeswehr should take the trend in energy prices into consideration so that tailored solutions for the servicewomen and -men affected can be devised.

The criticism raised by a serviceman about the legally prescribed requirements for **separation allowances** is understandable:

- *By way of an example, he mentioned the background of two servicemen of the same age who had both opted for a career as temporary-career volunteer for a fixed term of twelve years. Serviceman I already had his own apartment before joining the Bundeswehr, which the Bundeswehr recognised as eligible for a separation allowance after he entered into service. The fact that he was not married did not have any effect on his claim for a separation allowance. Serviceman II did not have his own apartment before joining the Bundeswehr, so the Bundeswehr did not classify him as eligible for a separation allowance. Nor did his subsequent marriage and addition of two children to the family lead to any entitlement to a separation allowance. However, in terms of general life experiences, a serviceman with a partner and family is often likely to be more tied to a certain place than his single comrade. For this reason, consideration should be given to updating the rules governing separation allowances.*

Confusion still reigns when trying to ascertain what rights servicewomen and -men eligible for separation allowances have who return to Germany after a **foreign assignment** but, instead of going back to their original place of duty, in fact move to a new place of duty in Germany:

- *A number of servicemen complained that they were not informed sufficiently clearly in the advisory sessions held before their move about the conditions to be met for separation allowances to continue to be paid after their return to Germany. Some were initially promised that they would continue to be eligible to receive this allowance at their new place of duty, only to find this promise subsequently retracted. The reported confusion prompted the Federal Ministry of Defence to set up a Foreign Assignment Task Force. The Task Force acted as the unique point of contact for the personnel involved and came up with a solution for those affected, which cleared up any confusion by introducing benefits equivalent to the separation allowance.*

The Ministry's response is welcomed as it reflects its duty of care. As a lesson for the future, it is important to ensure the protection of legitimate expectations for servicewomen and -men at the earliest possible stage.

The Federal Office of Bundeswehr Personnel Management, the FOBwIEPS and the Federal Office of Administration are responsible for planning, advising on and arranging the accounting for foreign assignments for servicewomen and -men and the civilian employees of the Bundeswehr. The process of giving **advice** to servicewomen and -men deployed abroad is significantly affected by the fact that competences for the respective financial entitlements are spread across a number of agencies of the Bundeswehr and Federal Ministry of the Interior and Community. According to the Ministry of Defence, it is not possible to provide advice under one roof, because it is not feasible to merge military pay and additional allowances under one point of contact. To organise the complex procedure more transparently for the relevant servicewomen and -men in

the future, the Foreign Assignment Task Force adopts a coordination framework encompassing the agencies involved in processing problems abroad, which also covers general aspects in the area of additional allowances. It will hopefully help improve communication between the various agencies involved and will in future ensure a standard official version with respect to the advice given.

The IT application **Stiewi** is available for servicewomen and -men to claim travel expenses and separation allowances from the Bundeswehr Travel Management centre:

- *Military personnel from the Air Force Installation Protection Regiment “Friesland” in Schortens complained that this system could only be accessed using service-issue IT equipment. They wanted to have the option of also accessing Stiewi from their private mobile phones, as with the app for free rail travel. It would then be possible to process and complete requests and transactions while on the move.*

According to information from the Ministry of Defence, it is not currently possible to access Stiewi via private mobile phones for data protection reasons, particularly in view of the personnel data to be processed in the system. However, it states that it is working on solutions, as it is clear that the overwhelming majority of servicewomen and -men would only use digital services if requests could be submitted at any time and location.

Apart from participating in operations or fulfilling standby commitments, there are many other reasons why it may be necessary for the Bundeswehr to send servicewomen and -men abroad, such as deployment to a multinational place of duty or attendance of special advanced training. The personnel involved may sometimes incur significant expenses on such **foreign assignments**, as instructors reported at a troop visit to the Special Operations Training Centre in Pfullendorf:

- *When assigned to advanced training courses abroad, instructors are sometimes required to travel with large quantities of equipment and materials. They were therefore obliged to pay the corresponding costs for excess baggage, which could sometimes be very high, and, in individual cases, even pay the costs for the hotel abroad in advance. It was not possible to claim reimbursement until afterwards. According to the Ministry of Defence, the competent travel office generally books hotel accommodation and assumes costs for such secondments, unless the respective training facility provides its own accommodation. If the above promise to assume costs proves not to be possible, the travelling servicewomen and -men may apparently request an advance for travel expenses allowances of EUR 200 or higher. They would be notified of this option before the official trip commences. Furthermore, the procedural instruction for Travel Management to grant and calculate advance payments for additional allowances and for booking accommodation will in future include a note to this effect.*

The measures initiated for improving communication to temporary duty travellers and adjusting the corresponding regulations are sensible and expedient. In addition, servicewomen and -men who intend to take more luggage with them on a foreign assignment than usual should contact their travel office as soon as possible and inquire whether there is an option, for example, to have their luggage officially shipped in advance.

For servicewomen and -men stationed at places of duty abroad, their last location in Germany is generally considered to be their place of residence:

- *Servicemen at a place of duty in the UK reported that German insurance companies and banks sometimes did not recognise this and that their policies had increased or been cancelled and loans had been rejected as a result.*

After the Ministry of Defence had initially refused, for legal and organisational reasons, to set up a **correspondence address** for Bundeswehr personnel, a postal address has fortunately since been set up at the Armed Forces Office for such situations.

The altered security policy situation may increasingly lead to troops having to make themselves operationally ready perhaps within just a few hours, even at times when they are off duty. If servicewomen and -men are given an order at short notice to immediately return to the location, the Bundeswehr must nevertheless **reimburse their costs**:

- *On a Friday evening in February 2022, the commander of a fleet service ship in the Navy issued an order at 22.00 hrs to his crew revoking their previously granted leave and instructing them to report for duty at the location by 9.00 hrs the next day to take part in an unscheduled sea voyage. After receiving this news, a member of the unit set off immediately from Mainz to Eckernförde. However, there were no connecting*

trains between Hanover and Kiel due to bad weather, so she continued her journey by taxi as part of a car pooling arrangement, so that she could still get back to her location via the quickest route. The competent Bundeswehr service centre refused to accept the costs of the taxi ride as well as the costs of a long-planned trip to see a musical including hotel accommodation. After a thorough review by the Federal Ministry of Defence, these costs were nevertheless reimbursed in the end.

The right decision was made. Otherwise, servicewomen and -men would barely be able to autonomously plan their days off. What is more, the servicewoman was obeying the order issued exactly as intended by returning immediately.

Service personnel are not only required to be operationally ready at any time, they must also keep fit and be physically active. The same applies for **severely disabled persons** within the scope of their physical limits. With respect to care and benefit coverage in the event of accidents during physical training, a distinction is made here between officially organised physical training or officially authorised voluntary physical training within the Bundeswehr's scope of responsibility and recreational sports activities outside the Bundeswehr's scope of responsibility. In the event of injuries and subsequent related problems, cover is only provided for the first two types of activity:

- *A severely disabled serviceman complained that it was not possible for him to take part in official physical training or voluntary physical training within the Bundeswehr's scope of responsibility because of his specific official situation. When efforts were made to find a solution for his problem, he was apparently only offered the option of voluntary physical training outside the Bundeswehr's scope of responsibility, which meant that his medical care would no longer be covered with all the resultant consequences were an accident to occur during physical training. The petitioner was seeking a solution that would enable him to join a local fitness studio and at the same time ensure medical cover.*

The review performed by the competent agencies confirmed the account given by the petitioner. The requisite supervision could not be provided by the Bundeswehr's physical training leaders and the petitioner could not be integrated into ongoing physical training sessions at another place of duty in view of the distances involved. The requested membership of a local fitness studio would be a feasible option. However, this would require the issuing body, the German Joint Support and Enabling Service Headquarters, to revise General Regulation A1-224/0-1 "Physical training and physical fitness" in terms of providing medical cover. Such a revision would be very welcome, because not only would it provide severely disabled servicewomen and -men with an option to physically train under specialist supervision outside the Bundeswehr's area of responsibility, but it would also open up the same opportunity to all relevant servicewomen and -men for whom no option exists to do physical training within the Bundeswehr's area of responsibility within a reasonable distance.

As in previous years, nothing has changed in the lack of clarity and transparency in the system of allowances. As shown by examples from daily military life, there is still a need for action here, for instance in the **IT allowance**:

- *IT allowances are only paid to servicewomen and -men working at central facilities listed by name in the Ministry of Defence, where they are responsible for maintaining and ensuring the Bundeswehr's IT operations and IT infrastructure. Service personnel not serving in such an agency present very understandable arguments, referring to the fact that their area of responsibility and range of activities do not significantly differ from the work performed by comrades working in the eligible central facilities.*

The exemptions that apply to **extra payment for difficult work** for parachutists are not feasible:

- *The relevant provision of the Hardship Allowance Ordinance provides for this allowance to continue to be paid while the relevant service personnel's activities are interrupted, for example due to leave, administrative leave or advanced training. However, this exemption did not cover a parachutist's ordered deployment in coronavirus administrative assistance actions. It is hard to fathom why this much appreciated form of support for society has been excluded.*
- *A further cause of disquiet amongst a number of servicewomen and -men working in shifts is the fact that they ceased to be eligible to continue receiving extra payment for difficult work during the Covid-19 pandemic. However, the recovery proceedings initiated in this respect could not be challenged on the grounds that, according to the provisions, entitlement to this allowance only exists if the specific hardships were caused by the shift work. However, these hardships ceased to apply when working from home.*

The changes with effect from 1 June 2022 to entitlement to a **company sergeant allowance** in the case of someone taking over the role due to absence are welcome. Such entitlement now exists if a serviceman or -woman stands in for the company sergeant for at least 21 days within a period of calculation of 30 days. Before the change, they had to stand in for the company sergeant for at least 21 days within a calendar month, otherwise they would not be entitled to the allowance. It would be desirable to apply the provision retrospectively, i.e. to recognise deputising periods performed in the past.

It is also encouraging that pension recipients under the jurisdiction of the Federal Ministry of Defence who retired after 13 December 2011 can now also have periods of service spent on a **special foreign assignment** prior to the cut-off date of 1 December 2002 recognised as doubly pensionable. In 2021, the Federal Administrative Court had ruled that these periods of service may not be linked to the cut-off month of December 2002 accepted by the Ministry of Defence. A corresponding decree issued by the Ministry of Defence implemented this ruling in the year under review.

No improvement is evident in the **incentive pay for medical specialists**. In the Parliamentary Commissioner's opinion, those qualified to practise as dentists, veterinary surgeons or pharmacists should also receive this pay.

As in previous years, servicewomen and -men complained that the rules governing payment of the **exceptional circumstance allowance**, which was granted under certain conditions within the scope of an administrative assistance mission, were inconsistent. The general rule was that this allowance could be granted, if the service and working conditions of servicewomen and -men did not allow them to provide assistance within the legally prescribed weekly working hours of 41 hours. In such cases, they received remuneration of EUR 91 for each day on which it was not possible to be released from duty. The corresponding ministerial instructions were constantly being adjusted throughout the pandemic. In the year under review, criticism was directed at the practice of recovering sums paid:

- *Servicewomen and -men of a battalion who had received payments based on the existence of an exceptional circumstance were expected to pay back the sums paid after an amendment in the instructions from German Army Headquarters. For some of them, this entailed not insignificant amounts. According to the Ministry of Defence, the amended instruction itself could not be objected to, as it was possible to provide administrative assistance in the scope of basic operations under working hours law. There was therefore no longer any scope for payment of an allowance.*

Although the dissatisfaction expressed by many service personnel about having to repay the allowance was understandable, it could not be avoided, because there was no legal basis for the monetary benefit. The commander's decision to make it possible to pay in instalments showed consideration.

To support former temporary-career volunteers in their old-age pensions, the legislator standardised an insurance obligation in the statutory pension insurance scheme, with effect from 1 January 2021, for periods in which they received **transition allowances**:

- *However, former service personnel covered by occupational pension schemes (e.g. schemes for medical doctors) rather than under the statutory pension insurance scheme do not benefit from the new regulation and rightly complained that there was a loophole in the regulation. In negotiations with the Federal Ministry of Labour and Social Affairs and the German Pension Insurance Scheme, the Ministry of Defence managed to initiate a change in the law in the year under review. For the group of people affected, contributions will now be paid in equivalent amounts to the occupational pension scheme, as they would have been paid to the statutory pension insurance scheme. Furthermore, contributions already paid to the pension insurance scheme will be forwarded to the respective occupational pension scheme on request. These amendments to the law with effect from 1 January 2023 meet the concerns of the former service personnel.*

MWR food service

Ten years ago, the Federal Ministry of Defence reorganised the MWR food service and government-furnished meals with the aim of developing location-specific catering and MWR concepts for around 220 Bundeswehr locations. These concepts set out the requirements for catering services and MWR food service, serve to assess the condition of the infrastructure of the respective facility and, if necessary, form the basis for infrastructural measures. The Ministry is unfortunately only making slow progress with the project, due to a lack of personnel

and the fact that coordination with users is time-consuming, among other factors. It has only been able to implement 147 catering and MWR concepts to date. It therefore made sense to significantly streamline the standard procedure for setting up a catering and MWR concept.

In the course of the reorganisation, it became apparent how expedient it would be to adjust the opening hours and range of food offered in line with local needs. The Bundeswehr therefore developed a standardised MWR concept with its pilot project “**open mess hall model 2019**”. The core idea is to create an attractive service in keeping with the times including at those locations that are financially unable, or would find it financially difficult, to bear the costs themselves. This project is now being trialled at a total of eight model locations. The concept-based approach of the project is being assessed for its practical benefit and acceptance at local level. A web-based survey is currently circulating among servicewomen and -men to ascertain their level of satisfaction with the service offered by the open mess hall model 2019. The final results of the assessment from all eight model locations are expected by the end of March 2023.

All servicewomen and -men should be aware that the continued existence of the MWR food service basically depends on the extent to which they actually make use of it. It does not run itself, but relies on the commitment of and usage by troops at local level. So the message needs to be spread that all members of the Bundeswehr need to support the MWR services offered, including those at their own sites, to benefit the location. It is also helpful if the respective location management maintains good contact with facility tenants and plays an active role by scheduling meetings at the MWR food service premises.

The following example demonstrates how beneficial it can be if all parties involved work effectively together:

- *The junior ranks’ club at the location of Delmenhorst is expected to remain closed until at least 2024 as a result of fire-protection issues. In response to this situation, the Gemeinsame Heimgesellschaft der Offiziere und Unteroffiziere Delmenhorst e.V. has temporarily taken over the MWR food service for junior ranks and equivalent civilian employees.*

Years ago, the Bundeswehr singled out the **market square building** Kiel as a special model. As a multifunctional building, it encompasses all Support and Care services. MWR food services provided by the mess hall and open mess hall are available as well as services provided by the MWR office and other social services. The Kiel Federal Building Office is currently reviewing the design documents, with construction expected to commence in early 2024. It is most unfortunate that the reopening – planned for early 2023 – of the mess hall which has been closed since 2019 at the Kiel site could not take place due to construction defects. The services it offers are essential for service personnel in junior ranks in particular, so that they have an alternative to the MWR food service, which is frequently more expensive.

A further source of irritation is the lack of **accessibility** that still exists in individual mess halls, as the Parliamentary Commissioner for the Armed Forces learned from local representatives for severely disabled persons during a troop visit to the Bundeswehr Subsistence Office in Oldenburg:

- *Apparently it is still only possible to access the mess hall at the Uckermark Barracks in Prenzlau and at the Hochstaußen Barracks in Bad Reichenhall by going up a number of steps. What’s more, the toilets at both sites and at the Georg-Friedrich Barracks in Fritzlar can only be accessed via stairs. This problem of accessibility was also said to exist in new buildings. For instance, there is no automated door opening facility to the mess hall in the new Trio building of the Henning-von-Tresckow Barracks in Oldenburg. According to information from the Ministry of Defence, the sites involved have taken the justified criticism on board and are looking for suitable and economically justifiable solutions. In addition, the Ministry implemented a decree in 2021 providing for an acceleration of building measures in the Bundeswehr for severely disabled persons.*

Despite the fact that bringing older buildings retrospectively up to standard in terms of achieving full accessibility is often difficult in terms of structural work, involves major outlay and, as a result, costs time and money, it is nevertheless mandatory to comply with accessibility regulations. It is therefore good if the parties involved find creative solutions that can be structurally implemented as a matter of priority in accordance with the ministerial instruction.

Since the end of the year under review, the last 16 remaining **military hairdressers** in the Bundeswehr have become history. Further to the request from the Federal Supreme Audit Institution from 2017 to close all 65 hairdressing salons still existing at that time, the Ministry of Defence achieved socially responsible conditions and the corresponding closures within a five-year period by 31 December 2022. Barbers and

hairdressers can still continue to provide their services at Bundeswehr sites, subject to paying rent for the premises used at a standard rate for the location in question.

Subsistence

The MWR food service used by members of the armed forces of their own accord is not to be confused with the government-furnished meals, which they are obliged to attend following an official order. In the year under review, petitions about government-furnished meals focused on the food offered **in the field** which all too often only comprised packed lunches. Wherever possible, servicewomen and -men should receive fresh food:

- *Over a period of 12 days, the Baumholder driver training centre and simulator offered course participants nothing other than packed lunches three times a day because of ongoing building work in the mess hall. The driver training centre turned down the Subsistence Office's offer to provide troops with fresh food from the nearby mess hall at the Aulenbach Camp, for timing and logistical reasons. After further consultations, at least one hot meal (at lunch time) is now offered from the end of July 2022.*

It is difficult to understand why the driver training centre initially rejected the offer and shows an insufficiently caring attitude, all the more so as the responsible regional manager of the Subsistence Office had expressly raised concerns in this respect. It is a good thing that the agency realised, albeit late, that a change was needed.

The volume of **waste** generated by the packed lunches was a recurring topic, as well as the fact that the majority of the meals inside the lunch pack were left untouched. According to information from the Ministry of Defence, the reason for this is that there was insufficient clarity in the numbers of people actually wanting meals and that requirements kept changing at short notice. The Bundeswehr Subsistence Office is therefore looking into whether and under what conditions unused food items in their original packaging could be considered for re-use either by being re-issued to troops or, outside the Bundeswehr, as donations to charitable organisations. It is also exploring options of giving surplus food to troops for their subsequent private consumption or to non-profit organisations.

A challenge concerning meals in the field is presented by ever-evolving special diets:

- *For example, insufficient options for a vegan diet were provided for participants in the Nijmegen March during a training session over several days at the location of Stetten am kalten Markt. According to information from the Ministry of Defence, the group of trainees had not notified the relevant mess hall of its request for vegan meals until two days before arriving, which was too short a notice.*

Similar problems sometimes arise when troops are on deployment abroad:

- *At a troop visit by the Parliamentary Commissioner for the Armed Forces in Ämari (Estonia) on 21 December 2022, one officer complained that vegan diets were insufficiently catered for.*

It is understandable that mess halls cannot always meet special wishes if they are not given sufficient notice. However, it is revealing that the Bundeswehr clearly still categorises a **vegan diet** as a niche phenomenon and is not prepared for the demand for vegan food. After all, complaints of this nature were already received in previous years. With respect to special dietary habits, servicewomen and -men should now be able to expect to receive vegan meals when on deployment and in the field. Mess halls are not properly stocked with a basic range of vegan food items. It should be easy to remedy this shortcoming. On the one hand, the Bundeswehr Subsistence Office is regularly notified by its suppliers of which products can be unequivocally described as vegan. On the other, there is a greater awareness of vegan and vegetarian diets in the mess halls. In the catering plan in effect since May 2022, the proportion of vegetarian food offered in mess halls has risen from 25 to 33 per cent.

- *It is a cause for concern that servicewomen and -men of Jewish faith opt for the vegan diet option purely because this is the easiest way for them to follow their special dietary guidelines, as stated by one servicewoman.*

It is therefore reassuring that the Bundeswehr has already taken action to see to it that special **religious dietary rules**, such as kosher and halal diets, are taken into consideration. For instance, servicewomen and -men who are obliged to participate in government-furnished meals receive the appropriate meals subject to prior notice.

The Ministry of Defence as well as the Bundeswehr Subsistence Office are also in close communication with the Military Rabbinate with a view to ensuring kosher food in the future.

What already frequently works in basic operations should also be possible when on deployment:

- *In two petitions, Muslim servicemen complained about troop meals provided in Lešť (Slovakia). Muslims and vegetarians alike were often only able to eat side dishes, which was not sufficient to meet their calorie requirements. The Bundeswehr Joint Forces Operations Command gave notification that the facility in Slovakia responsible for troop meals was not offering the requested meals. However, just 10 days after the first petition, it was possible to cater for a total of 28 vegetarians and Muslims initially with one-person rations and, 12 days after that, by a caterer.*

The relatively rapid rectification of this situation is welcomed. At the same time, both cases clearly show that better organisation is called for. By surveying the contingent's dietary habits before their transfer and clarifying the food options available locally, it would be possible to arrange for alternatives in good time.

The **mobile field kitchen** is a key component in the provision of meals for the servicewomen and -men of the Bundeswehr on deployment. It is always used in situations where meals cannot be provided for troops on deployment via a fixed infrastructure or by a third party as part of host nation support. Field kitchens must accordingly be allocated for all German contributions within the scope of alliance defence. The mobile field kitchen is to replace the 250 Tactical Field Kitchens deployed to date. In this respect, the Ministry announced that the successive delivery of 125 mobile field kitchens is planned by the second quarter of 2026 after their release for serial production on 30 June 2022.

Family support

If servicewomen and -men are obliged to be away from home for longer periods of time as a result of their duties, the family support centres and points provide the families of deployed personnel with assistance. Together with other network partners, they also provide post-operation recovery services and family regeneration assistance. It is irrelevant whether the service personnel are away from home due to deployment abroad, standby commitment, a sea voyage or an extended training exercise. The family support organisation established since 1993 has proven successful, which is why it has continued to be more firmly embedded in the organisation.

Details relating to the work of the family support organisation are set forth in separate rules of procedure available since 31 August 2022. These rules provided clarity in many areas of ambiguity. Day-to-day issues, such as the processing of requests for the procurement of materials are resolved more quickly now that a uniform approach is adopted. However, issues such as the financing of meals for child-care personnel and volunteer assistants for family support activities remain unanswered. It would be shameful if this group of people, without whom the activities would hardly be possible, had to pay for their own drinks and refreshments. In this respect, a corresponding revision of the **rules of procedure** is urgently needed.

There are now 32 family support centres with full-time staff and 50 temporary family support points with part-time staff in the Bundeswehr. This good mix of staffing and regional distribution should ensure that families of servicewomen and -men on deployment can get to the nearest family support centre within an hour or a distance of 60 kilometres. Changes to missions, high numbers of personnel required for missions and shorter deployment periods are the new norm for servicewomen and -men and their families, which is why it is so important to be able to reach a family support centre quickly:

- *When 1 Surface-to-Air Missile Wing stationed Patriot units in Sliač (Slovakia) at short notice in March 2022, it was not possible for the responsible family support point in Husum to guarantee full support for all dependants of the mission contingent for staffing reasons. It was not until July 2022 that the Bundeswehr Joint Forces Operations Command determined that the family support centre in Kiel would take over the role.*

This solution is not ideal given that the centre in Kiel is over 70 kilometres away. In view of the ongoing Patriot operations and corresponding increase in the frequency of deployments, it makes more sense to increase the number of personnel at the family support point in Husum, to ensure 24-hour support for families *in situ*.

It is just as important to ensure that the **group of persons entitled to family support** are always taken into consideration:

- *The wife of a Navy serviceman who is frequently away on short sea voyages complained that the Navy made too little use of the arrangement of also offering family support for missions lasting less than 30 days. Her proposal of setting up a support pool for the fleet service ships is being reviewed by the agencies involved.*

It is good that the competent agencies are taking this issue seriously and hopefully will find a solution that takes the legitimate interests of the family members concerned into account.

For mandated deployments abroad and standby commitments, it is common practice for the servicewomen and -men involved to give notification of their wish for family support in good time so that, if an alert proves necessary, support can optimally be ensured for their families. This practice should also be adopted with the VJTF, in which Germany is a core nation in 2023, on account of the Task Force's very short reaction times of 48 to 72 hours.

MWR offices

The increase in personnel in the MWR offices is proceeding according to plan on an ongoing basis. By mid-August 2022, 70 per cent of the full-time positions in MWR office management had already been filled. Realising that the MWR situation can only be enhanced at the various locations if it is done in conjunction with all the parties involved is a positive thing. This approach was also taken into account in General Regulation A-2640/12 on "MWR offices" published in March 2022. The Regulation covers all aspects of an MWR office, such as the role and work of the MWR office and its material resources, infrastructure, room furnishings, training and advanced training and MWR media. Additional information and supporting materials are provided in the numerous annexes. A new addition is the option of garrison senior officers being able to set up field offices of the MWR office, if sites within their area of responsibility are further than 30 minutes' travelling time apart. For example, the MWR offices of Diez, Höxter, Aachen, Appen and Torgelow have all set up such field offices. A further addition is the option to set up MWR points in places where there is no MWR office. However, these MWR points do not have full-time personnel or their own budget. The MWR offices now have an online presence via the Bundeswehr's extranet (YNSIDE) so that servicewomen and -men can easily access information on the range of MWR services available and current announcements. This is very much to be welcomed.

military chaplaincy

Troops are facing difficult and challenging times, with different structures, processes and training, heightened states of alert and possible deployment within 24 hours. One of the reasons behind these demanding changes is the refocus on national and alliance defence and rapid operational readiness. The military chaplaincy plays a huge role for servicewomen and -men in these challenging times, in routine operations as well as on deployment. Apart from supporting religious practices, this role – now more than ever – entails providing extensive support for personnel on duty, whether they are on exercises or on mission, helping with day-to-day concerns and needs, and assisting in family and personal matters. This was related to the Parliamentary Commissioner for the Armed Forces in many interviews with servicewomen and -men at nearly every troop visit. She also met with military chaplains – either privately or together with the respective local Psychosocial Network – and really appreciated these varied and intensive discussions. Moreover, together with the Protestant chaplaincy, the Parliamentary Commissioner set up the excellent practice of enabling any chaplain to report to her after deployment abroad, giving them the opportunity to discuss their experiences and impressions in a confidential setting.

A good example of the commitment of the chaplaincy to helping service personnel with children in their everyday lives is the series of children's books published by the Central Institute for Marriage and the Family in Society at the Catholic University of Eichstätt-Ingolstadt in cooperation with the Catholic Military Episcopal Office. These books tackle difficult themes, such as deployment abroad or a parent commuting between their place of duty and home, and provide a useful tool for broaching crucial discussions within the family.

With the range of work it performs, the military chaplaincy is indispensable in boosting the operational readiness of troops. It will undoubtedly change in the wake of the historic turning point and the resultant return

to national and alliance defence and will increasingly have to gear itself towards providing pastoral care services for the national and alliance defence. It is therefore a fine tradition that the chaplaincy is there for all servicewomen and -men.

It also continues to be involved in **character guidance classes**. This educational measure is implemented by chaplains on behalf of heads of agencies, but does not involve the teaching of religious studies. This educational practice has proven successful and provides a valued space for free thought and speech while it is being taught, without hierarchical constraints. Character guidance education and classes are intended to strengthen the conscience of military personnel, develop their moral reasoning skills and, in turn, foster responsible behaviour. In the future, character guidance education is expected to be able to contribute to ethical education in the armed forces. All parties involved need to be aware of the ethical and moral foundations of responsible behaviour among the troops. The goal of ethical education in the Bundeswehr is to encourage personnel who are guided by their conscience and secure in their identity. Servicewomen and -men are equipped with the skills to be able to ethically justify what they do and do not do, and to enhance their powers of ethical deliberation and decision-making. The regulation on ethical education is expected to be introduced in early 2023 and rolled out to the field units. The individual provisions relating to the respective requirements for character development are intended to lead to ongoing certainty of action and behaviour in the agencies.

With the diversity of personnel in the Bundeswehr, there is a need to extend chaplaincy support to other communities of faith and conviction beyond the Christian and Jewish military chaplaincy. An answer therefore needs to be quickly found for the 3,000 or so **Muslim servicewomen and -men**, as they also deserve a faith-based chaplaincy. It would be an overdue sign of appreciation of and recognition for their valuable service. There have long been demands and declarations of intent in this regard. It is now time, without further delay, to put into practice the Ministry of Defence's existing intentions to establish chaplaincy services on an individual contractual basis, both in terms of concept and organisation.

In the year under review, the Parliamentary Commissioner congratulated the Bundeswehr on the 65th anniversary of the existence of its Protestant chaplaincy. The military chaplaincy agreement was concluded in 1957 between the Protestant Church in Germany and the Federal Government. This agreement has formed the basis for the Protestant chaplaincy to this day. The national treaty concluded on 20 December 2019 between the Federal Republic of Germany and the Central Council of Jews establishing a Jewish military chaplaincy was largely based on this agreement.

The Military Rabbinate, which entered the second year of its work in 2022, is making a good contribution with beneficial effects. The fact that any extension in this area requires time is apparent from the process of setting up the Jewish military chaplaincy. Although the structure of the Military Rabbinate is evolving, the corresponding increase in personnel is not progressing as hoped. Not all the established posts have yet been filled. One of the challenges is to ensure an equal balance of Orthodox and Liberal rabbis. A further aspect of importance for the attractiveness of the post is to ensure that military rabbis have secure prospects after their term of office outside the Military Rabbinate and in the Jewish communities. It is hoped that these hurdles are soon cleared and that all posts will be filled, so that the military rabbis can start their pastoral work for troops at the planned field offices.

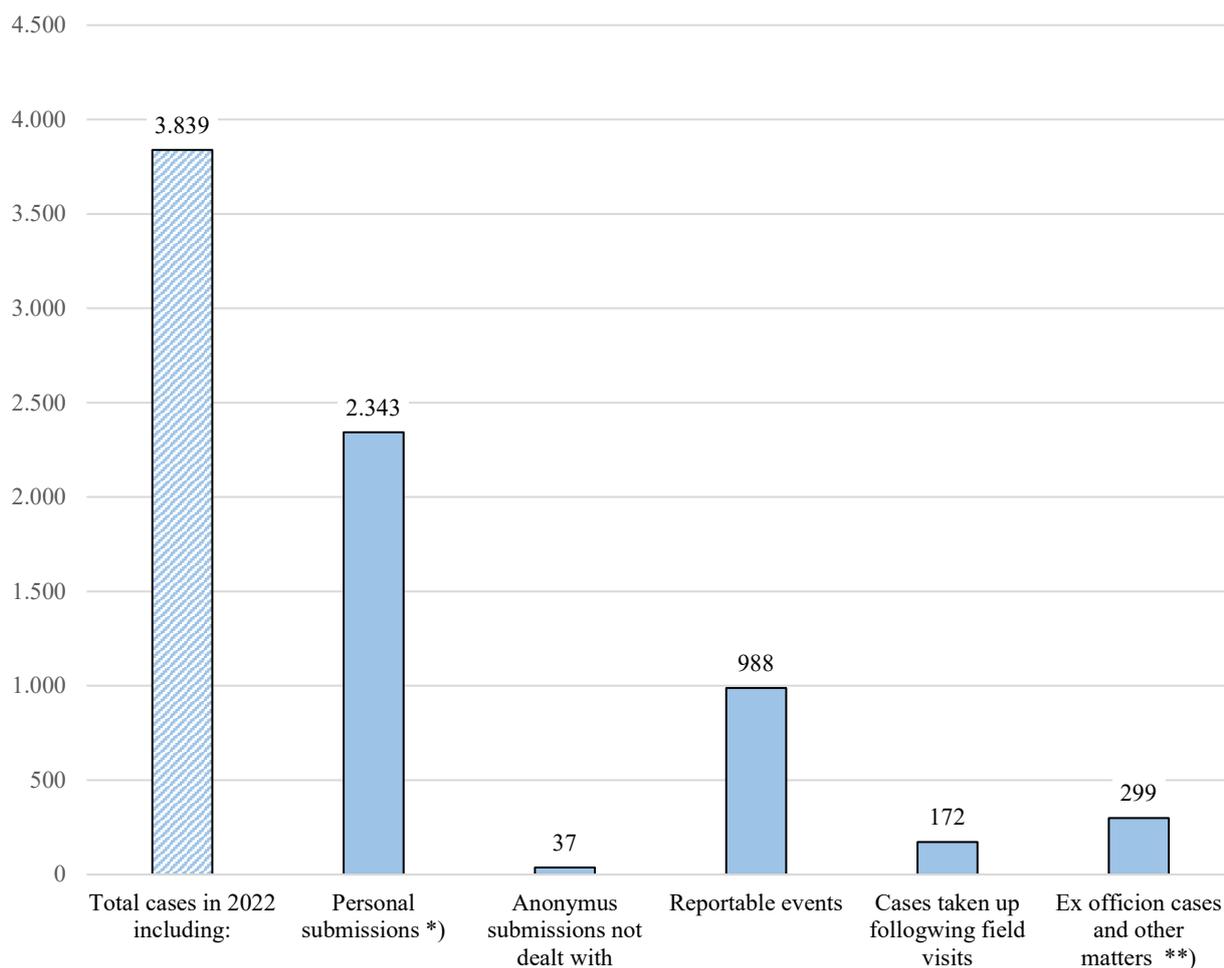
Dr Eva Högl

Parliamentary Commissioner for the Armed Forces

19. Cases and petitions: Statistical overviews

A total of 3,839 cases were recorded in the year under review. Cases are all matters processed to which a file reference number has been attached. Apart from petitions submitted by servicewomen and -men, their family members and other individuals, they also encompass “reportable events” in the Bundeswehr which are reviewed by the Parliamentary Commissioner, cases that are taken up following a troop visit and cases the Parliamentary Commissioner deals with *ex officio*. This latter category includes cases opened on account of information the Parliamentary Commissioner for the Armed Forces obtains from, for example, press reports or discussions. In addition to this, letters sent by civilian employees submitted to the Petitions Committee of the German Bundestag and general enquiries from private individuals are recorded as ‘other matters’.

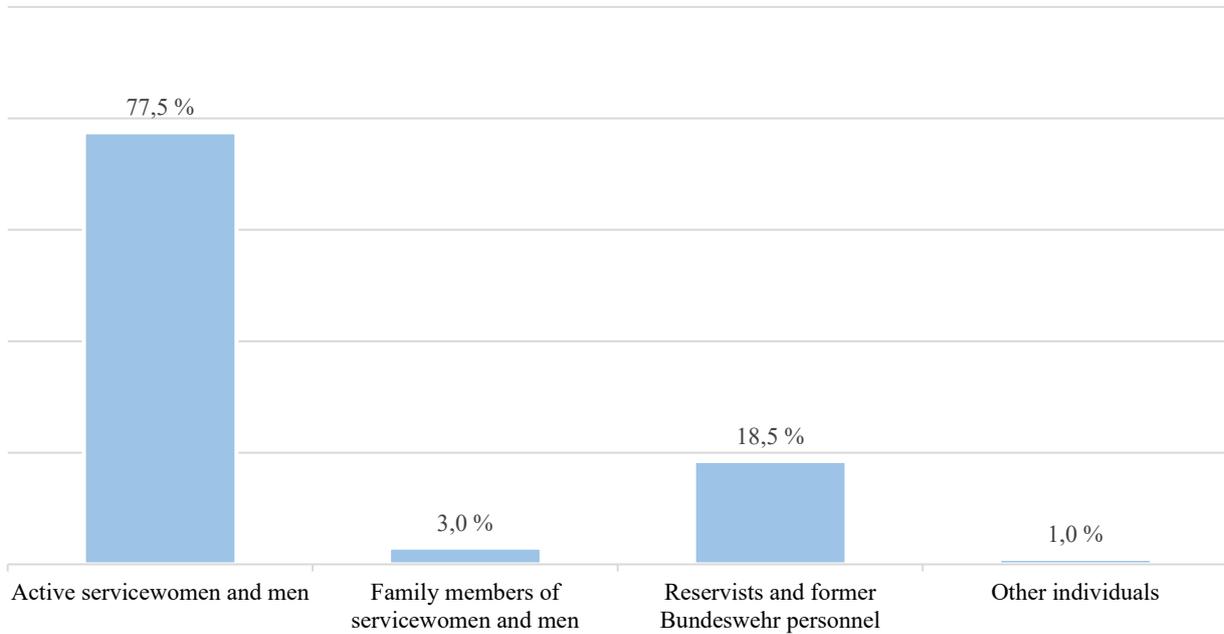
Breakdown - absolute figures



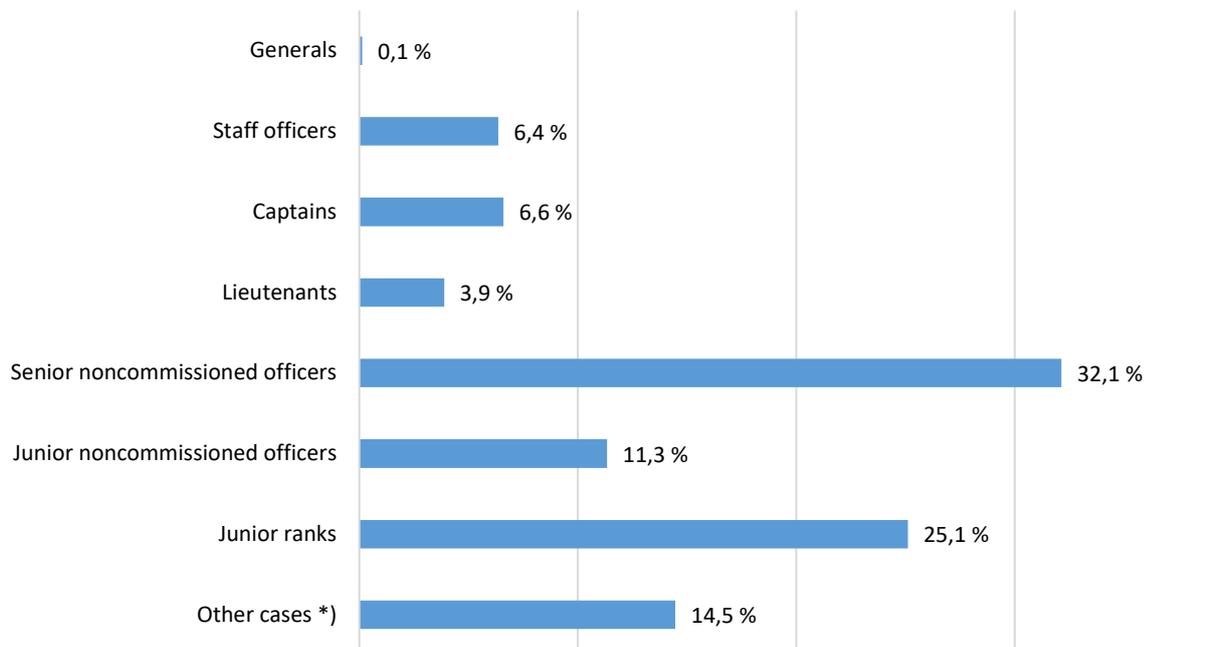
*) Petitions from service personnel and their family members

***) Information from press reports and discussions, letters from civilian employees, general enquiries from private persons

Breakdown of 2.343 personal petitions by petitioners in per cent



Breakdown by rank in per cent



*) including by family members

Breakdown of the 3,839 cases by request (6,384)

(Up to three requests are brought together in one case, which is why the number of requests is higher than the number of cases).

Category	Number
Personnel matters relating to active servicewomen and -men	2,171
<u>including:</u>	
Assignment planning, performance evaluation, promotion	671
Establishment and termination of service statuses	490
Processing of personnel matters and personnel management	488
Military pay and subsidiary areas of pay law	356
Matters relating to reservists	130
Personnel structure	34
Disciplinary law, law violations	897
<u>including:</u>	
Offences against sexual self-determination	395
Violation of the free democratic basic order	249
Leadership, comradeship	627
Pensions and benefits, social affairs	618
Deployments abroad, equipment for deployments	410
Health, Medical Service, free medical care	306
Compatibility of family and duty	206
<u>including</u>	
Matters relating to commuters	101
Training, equipment for training	195
Infrastructure, accommodation	150
Meals, clothing, welfare	143
Safety issues, accidents	99
Suicides, attempted suicides	88
Behaviour and conduct of servicewomen and -men on and off duty	78
Working hours	73
Diversity	71
<u>including:</u>	
Women in the Armed Forces (equality issues)	46
Service personnel with migration backgrounds	14
Sexual diversity	11
Other matters^{*)}	252

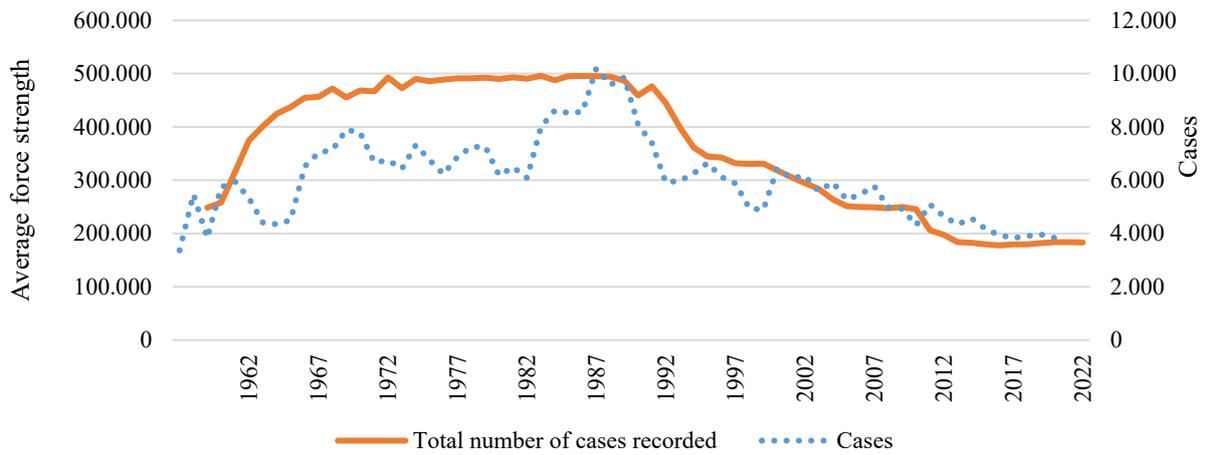
^{*)} Such as matters not falling within remit, referral to Petitions Committee, requests for access to records, responses to annual report.

Development of the number of cases between 1959 and 2022

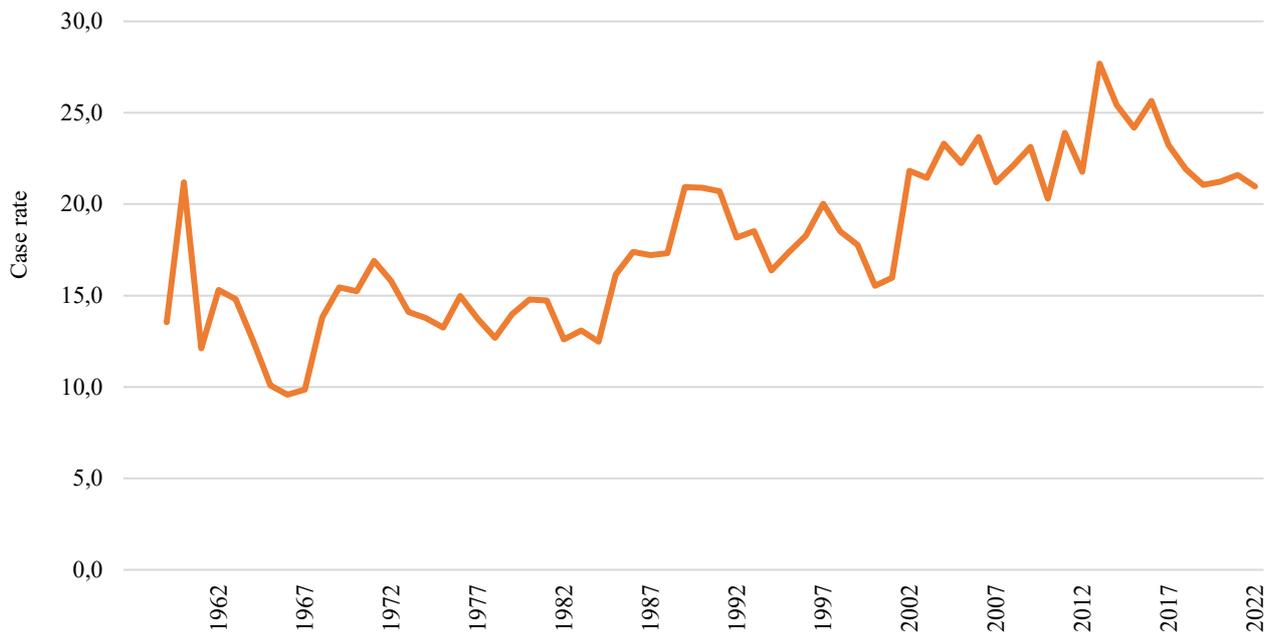
Year under review	Total number of cases recorded	Average Bundeswehr force strength (active servicewomen and -men)	Case rate per thousand active servicewomen and -men
1959	3,368	248,800	13.5
1960	5,471	258,080	21.2
1961	3,829	316,090	12.1
1962	5,736	374,766	15.3
1963	5,938	401,337	14.8
1964	5,322	424,869	12.5
1965	4,408	437,236	10.1
1966	4,353	454,569	9.6
1967	4,503	456,764	9.9
1968	6,517	472,070	13.8
1969	7,033	455,114	15.5
1970	7,142	468,484	15.2
1971	7,891	466,889	16.9
1972	7,789	492,828	15.8
1973	6,673	472,943	14.1
1974	6,748	490,053	13.8
1975	6,439	486,206	13.2
1976	7,319	488,616	15.0
1977	6,753	491,424	13.7
1978	6,234	491,481	12.7
1979	6,884	492,344	14.0
1980	7,244	490,243	14.8
1981	7,265	493,089	14.7
1982	6,184	490,729	12.6
1983	6,493	495,875	13.1
1984	6,086	487,669	12.5
1985	8,002	495,361	16.2
1986	8,619	495,639	17.4
1987	8,531	495,649	17.2
1988	8,563	494,592	17.3
1989	10,190	486,825	20.9
1990	9,590	458,752	20.9
1991	9,864	476,288	20.7
1992	8,084	445,019	18.2
1993	7,391	399,216	18.5

Year under review	Total number of cases recorded	Average Bundeswehr force strength (active servicewomen and -men)	Case rate per thousand active servicewomen and -men
1994	5,916	361,177	16.4
1995	5,979	344,690	17.3
1996	6,264	342,870	18.3
1997	6,647	332,013	20.0
1998	6,122	330,914	18.5
1999	5,885	331,148	17.8
2000	4,952	318,713	15.5
2001	4,891	306,087	16.0
2002	6,436	294,800	21.8
2003	6,082	283,723	21.4
2004	6,154	263,990	23.3
2005	5,601	251,722	22.3
2006	5,918	249,964	23.7
2007	5,276	248,995	21.2
2008	5,474	247,619	22.1
2009	5,779	249,900	23.1
2010	4,993	245,823	20.3
2011	4,926	206,091	23.9
2012	4,309	197,880	21.8
2013	5,095	184,012	27.7
2014	4,645	182,703	25.4
2015	4,344	179,633	24.2
2016	4,560	177,800	25.6
2017	4,173	178,881	23.3
2018	3,939	179,791	21.9
2019	3,835	182,219	21.0
2020	3,907	183,969	21.2
2021	3,967	183,725	21.6
2022	3,839	183,049	21.0
Total	388,364		

Development of cases relative to average force strength since 1959



Case rate per thousand active servicewomen and -men since 1959

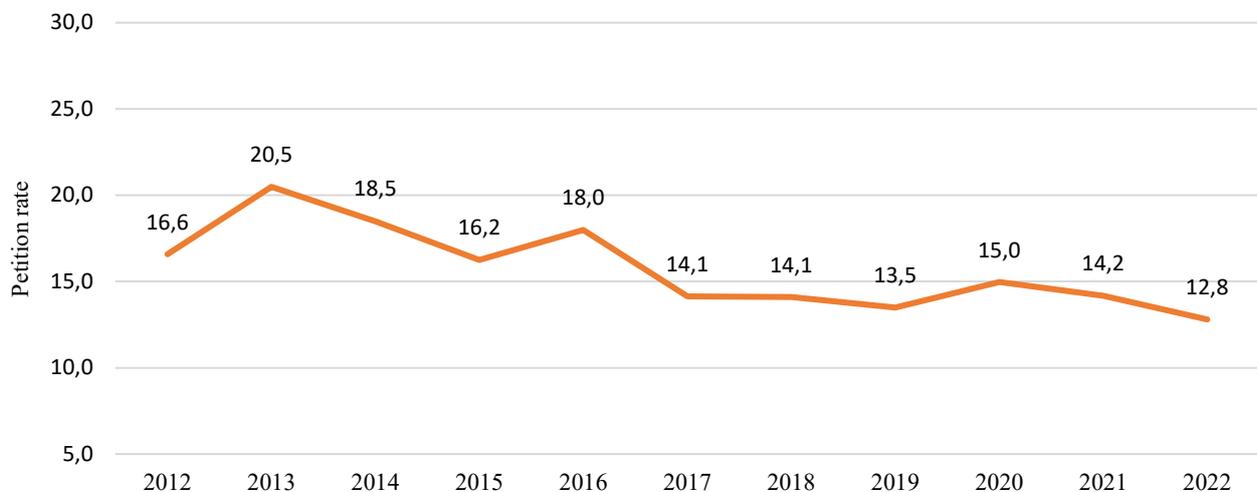


Development in personal petitions relative to average force strength since 2012

(It has only been possible to record statistics on personal petitions since
a new data recording system was introduced at the Office of the Parliamentary Commissioner for the Armed Forces in 2012).

Year under review	Average Bundeswehr force strength (active servicewomen and -men)	Total number of personal petitions	Rate of personal petitions per thousand active servicewomen and -men
2012	197,880	3,281	16.6
2013	184,012	3,770	20.5
2014	182,703	3,379	18.5
2015	179,633	2,917	16.2
2016	177,800	3,197	18.0
2017	178,881	2,528	14.1
2018	179,791	2,534	14.1
2019	182,219	2,459	13.5
2020	183,969	2,753	15.0
2021	183,725	2,606	14.2
2022	183,049	2,343	12.8

Petition rate per thousand active servicewomen and -men since 2012



20. Visits, meetings, discussions of the Parliamentary Commissioner for the Armed Forces**Troop visits**

10 January	Viereck	411 Armoured Infantry Battalion
14-15 January	Ruhpolding	Promotion of high-performance sports in the Bundeswehr Biathlon World Cup
17 January	Amman (Jordan)	German Counter Daesh Mission Contingent
15 February	Beelitz	172 Logistic Battalion
22 February	Rukla (Lithuania)	German ENHANCED FORWARD PRESENCE Mission Contingent
2 March	Schwielowsee	Bundeswehr Joint Forces Operations Command Video conference with the German Contingent in Iraq (COUNTER DAESH/CAPACITY BUILDING IRAQ)
7 March	Havelberg	803 Armoured Engineer Battalion
17 March	Laupheim	64 Helicopter Wing
21 March	Idar-Oberstein	Artillery School Artillery Museum 345 Artillery Training Support Battalion
22 March	Mannheim	Bundeswehr Training Centre
25 March	Berlin	Editorial Office of the Bundeswehr
29 March	Berlin	Federal Ministry of Defence Guard Battalion
30 March	Westerstede	Bundeswehr Hospital Westerstede
31 March	Quakenbrück	Supply and maintenance centre for medical goods
1 April	Oldenburg	Bundeswehr Subsistence Office
10-14 April	Amman, Al-Azraq Airbase, Al-Asad Airbase, Erbil (Jordan/Iraq)	German Counter Daesh Mission Contingent/CAPACITY BUILDING IRAQ
21-22 April	The Hague (Netherlands)	Invictus Games
26 April	Berlin	Meeting with crew of frigate BAYERN
3 May	Neubiberg	Bundeswehr University Munich
4 May	Fürstfeldbruck	Air Force Officer School
5 May	Munich	Bundeswehr Medical Academy
6 May	Munich	Bundeswehr disciplinary and complaints court, South
10 May	Berlin	Cyber Innovation Hub
12 May	Munster	NATO major exercise “Wettiner Heide” (including 37 Armoured Infantry Brigade)
17 May	Lohheide	414 Tank Battalion

2 June	Hamburg	Helmut Schmidt University / Bundeswehr University, Hamburg
7 June	Delmenhorst	161 Logistic Battalion
8 June	Wilhelmshaven	Flotilla 2 Medical Centre Medical Centre
9 June	Schortens	Air Force Protection Regiment
14 June	Dresden	Bundeswehr Museum of Military History
15 June	Weißenfels	1 Medical Regiment Operational Medical Service Command
16 June	Delitzsch	Army Non-Commissioned Officer School
16 June	Halle	Agency for Innovation in Cybersecurity
18 June	Sliač (Slovakia)	German detachment of the NATO ENHANCED VIGILANCE ACTIVITIES multinational battle group
20 June	Szczecin (Poland)	Multinational Corps Northeast Headquarters
21 June	Neubrandenburg	41 Armoured Infantry Brigade
27 June	Ulm	Bundeswehr Hospital Ulm
28 June	Ulm	Multinational Joint Headquarters NATO Joint Support and Enabling Command
29 June	Pfullendorf	Special Operations Training Centre
30 June	Calw	Special Operations Forces Command
1 July	Lindau	“Blue Flag” final exercise of course for aspiring UN military observers
19 July	Saarlouis	1 Airborne Brigade
20 July	Coblenz	Leadership Development and Civic Education Centre
21 July	Bonn	Armed Forces Office / July 16. Bundeswehr art competition
25-27 July	Pristina (Kosovo)	German Contingent KFOR
28 July	Lešť (Slovakia)	German detachment of the NATO ENHANCED VIGILANCE ACTIVITIES multinational battle group
2 August	Kiel	Flotilla 1
4 August	Laage	73 Tactical Air Wing 71 Tactical Air Wing
23 August	Husum	1 Surface-to-Air Missile Wing
24 August	Husum	Special Engineer Regiment 164
25 August	Eckernförde	1st Submarine Squadron

30 August	Berlin	Federal Ministry of Defence Guard Battalion
11-13 September	Beirut, Naqoura, Jounieh (Lebanon)	German Contingent UNIFIL
13-16 September	Tel Aviv, Jerusalem, Tel Nof Airbase (Israel)	HERON training and political talks
20 September	Calw	Special Operations Forces Command
26 September	Hanover	Bundeswehr Military Police and Staff Duty School Military Police Command
29 September	Schwielowsee	Bundeswehr Joint Forces Operations Command Video conference with German contingents in Mali (MINUSMA), Jordan and Iraq (COUNTER DAESH/CAPACITY BUILDING IRAQ)
29 September	Pasewalk	Returned service personnel from 411 Armoured Infantry Battalion
6 October	Plön	Petty Officer School
20-21 October	Souda/Crete (Greece)	German contingent NATO support operations in the Aegean
21-22 October	Limassol (Cyprus)	German Contingent UNIFIL
7 November	Berlin	Berlin command and control area of 1 Medical Regiment
7 November	Berlin	Bundeswehr Museum of Military History Berlin-Gatow air base
8 November	Viereck	411 Armoured Infantry Battalion
15 November	Stetten am kalten Markt	295 Artillery Battalion
16 November	Bruchsal	Bundeswehr CBRN Defence Command 750 CBRN Defence Battalion
17 November	Donaueschingen	292 Light Infantry Battalion
6 December	Altendorf	Airborne Operations and Air Transport School
7 December	Murnau	293 Communication and Information Systems Support Battalion
8 December	Sonthofen	CBRN Defence, Safety and Environmental Protection School
12 December	Augustdorf	21st Armoured Brigade 203 Tank Battalion 212 Armoured Infantry Battalion
13 December	Augustdorf	Company 5, Military Police Regiment 2 Augustdorf military police station
19-20 December	Rukla (Lithuania)	German Enhanced Forward Presence Mission Contingent and FORWARD COMMAND ELEMENT
20-21 December	Tallinn, Ämari (Estonia)	German Contingent Air Policing Reinforcement, Baltic

Meetings and discussions of the Parliamentary Commissioner and her staff

In the year under review, in addition to troop visits, the Parliamentary Commissioner held many talks with numerous associations, foundations, offices, committees and individuals of importance to the Bundeswehr – including the German Bundeswehr Association and the Reservists' Association, the General Spokespersons' Committee and the Spokespersons' Committees of various major military organisational elements, those responsible at the Federal Ministry of Defence and the heads of the highest federal authorities as well as the major military organisational elements, members of the Bundestag and federal state parliaments, academia, trade unions, the media, diplomats and military chaplains. She also exchanged views with representatives from industry and civil society (for example, "Never under 18! – No minors in the Bundeswehr") and with international interlocutors.

The Parliamentary Commissioner for the Armed Forces spoke at pledge ceremonies and parades, and participated in international and national conferences and meetings, giving speeches and presentations, including the 14th International Conference of Ombuds Institutions for the Armed Forces in Oslo. She was invited to the Federal President's annual Citizens' Festival, the Advisory Council on Leadership Development and Civic Education, the ceremony to inaugurate the grove of honour from Mazar-i Sharif in the Forest of Remembrance, the commemoration on 20 July at the Leadership Development and Civic Education Centre, the "Day of Values" of the Army and various commemoration ceremonies on the Day of National Mourning. She also attended the special service and ceremony to mark the 65th anniversary of the military chaplaincy. The Parliamentary Commissioner delivered the laudatory speech to celebrate the 40th anniversary of the Anti-War Museum. She also took part in the ceremony honouring participants in the Olympic Games, the event celebrating 20 years of the QueerBw association and the 9th Königsbronn Talks at the Konrad Adenauer Foundation. At the beginning of the year under review, the Parliamentary Commissioner attended a meeting with the coronavirus crisis unit at the Federal Chancellery to exchange information and ideas and, on 4 November 2022, took part in the formal ceremony recognising service personnel for their administrative assistance efforts during the pandemic. In the summer of the year under review, the Parliamentary Commissioner received students from the *Centre des hautes études militaires* (CHEM) [Centre for Higher Military Education], the French equivalent of the education and training provided by the Bundeswehr Command and Staff College. The Parliamentary Commissioner was also present at various transfer-of-command, handover and farewell ceremonies.

Together with the Catholic military chaplaincy and the Protestant chaplaincy in the Bundeswehr (as joint organisers), the Parliamentary Commissioner discussed issues on the impact of the Covid-19 pandemic and the war in Ukraine on families of servicewomen and -men at a workshop on family and service held in September 2022. Representatives from various groups, including the service personnel representation bodies, the Bundeswehr Association and other trade unions, the Federal Ministry of Defence, the Equal Opportunity Officer Group, the Reservists Association and Parliament.

At the "Insights and Outlooks" Open Day of the German Bundestag held on 4 September 2022, the Parliamentary Commissioner was available for questions on her role and duties, with support from employees, and took part in a number of panel discussions.

On 12 October 2022, the Parliamentary Commissioner welcomed guests from the world of politics and the Bundeswehr at her Annual Reception.

In the year under review, the staff of the Parliamentary Commissioner attended appointments for meetings and discussions with units, headquarters, offices and authorities of the branches and major organisational elements. For pandemic-related reasons, the meetings held at the beginning of the year took place over the telephone or online.

Visitor groups

A total of 58 visitor groups were hosted at the Office of the Parliamentary Commissioner for the Armed Forces by the Parliamentary Commissioner or her staff. Of these, 12 were international groups of servicewomen and -men from the partnership seminars of the Leadership Development and Civic Education Centre. 46 visitor groups came from the Bundeswehr's branches of service and organisational elements.

21. Statutory foundations of the office and tasks of the Parliamentary Commissioner for the Armed Forces and of service personnel's right of petition

Excerpt from the Basic Law for the Federal Republic of Germany
of 23 May 1949 (Federal Law Gazette I, page 1), most recently amended by Article 1 of the Act of
19 December 2022 (Federal Law Gazette I, page 2478)

Article 17

Every person shall have the right individually or jointly with others to address written requests or complaints to competent authorities and to the representative body of the people.

Article 17a

(1) Laws regarding military and alternative service may provide that the basic right of members of the Armed Forces and of alternative service freely to express and disseminate their opinions in speech, writing and pictures (first clause of paragraph (1) of Article 5), the basic right of assembly (Article 8), and the right of petition (Article 17) insofar as it permits the submission of requests or complaints jointly with others, be restricted during their period of military or alternative service.

(2) Laws regarding defence, including protection of the civilian population, may provide for restriction of the basic rights of freedom of movement (Article 11) and inviolability of the home (Article 13).

Article 45b

A Parliamentary Commissioner for the Armed Forces shall be appointed to safeguard basic rights and to assist the Bundestag in exercising parliamentary oversight over the Armed Forces. Details shall be regulated by a federal law.

Act on the Parliamentary Commissioner for the Armed Forces

(Act pursuant to Article 45b of the Basic Law – WBeauftrG) in the version of the Notification of 16 June 1982 (Federal Law Gazette I, page 677), most recently amended by Article 15(68) of the Act to Restructure Civil Service Law of 5 February 2009 (Federal Law Gazette I, page 160)

Section 1 Constitutional Status; Tasks

(1) In the exercise of parliamentary oversight, the Commissioner shall perform his or her duties as an auxiliary organ of the Bundestag.

(2) The Commissioner shall investigate specific matters upon instructions from the Bundestag or the Defence Committee. Instructions can only be issued if the Defence Committee does not make the matter a subject of its own deliberations. The Commissioner may request that the Defence Committee issue instructions to investigate specific matters.

(3) The Commissioner shall, on his or her own initiative and at his or her own discretion, take action when, in the exercise of his or her right pursuant to Section 3(4), through information received from Members of the Bundestag, through petitions pursuant to Section 7 or in any other way, circumstances come to his or her attention that suggest a violation of the basic rights of service personnel or of the principles of leadership development and civic education. The Commissioner shall not take action under the first sentence of this paragraph if the Defence Committee has made the matter the subject of its own deliberations.

Section 2 Reporting Duties

(1) The Commissioner shall submit to the Bundestag a written overall report for the calendar year (annual report).

(2) He or she may, at any time, submit individual reports to the Bundestag or the Defence Committee.

(3) When the Commissioner acts upon instructions, he or she shall, upon request, submit an individual report on the results of his or her investigation.

Section 3 Official Powers

In performing the tasks assigned to him or her, the Commissioner shall have the following powers:

(1) He or she may demand information and access to records from the Federal Minister of Defence and all the Minister's subordinate agencies and personnel. These rights can only be denied to him or her when this is required for compelling reasons of secrecy. The decision to deny these rights shall be taken by the Minister of Defence personally or his or her permanent official deputy; the Minister of Defence shall state the reasons for any such decision before the Defence Committee. On the basis of instructions pursuant to Section 1(2) and in the case of a petition based on a complaint by the petitioner, the Commissioner shall have the right to hear the petition as well as witnesses and experts. The persons heard shall be reimbursed in accordance with the Act on Compensation of Witnesses and Experts (as published in the Notification of 1 October 1969 (Federal Law Gazette I, p. 1756), most recently amended by Article 11 of the Act of 26 November 1979 (Federal Law Gazette I, p. 1953)).

(2) He or she may give the agencies concerned the opportunity to settle a matter

(3) He or she may refer a matter to the authority competent for the institution of criminal or disciplinary proceedings.

(4) He or she may, at any time, visit any units, headquarters, agencies and authorities of the Federal Armed Forces, and their installations even without prior notification. This right shall be vested exclusively in the person of the Commissioner. The second and third sentences of paragraph (1) of this section shall apply *mutatis mutandis*.

(5) He or she may request both summary reports from the Federal Minister of Defence on the exercise of disciplinary power in the armed forces and statistical reports from the competent federal and *Land* authorities on the administration of criminal justice whenever the armed forces or their service personnel are affected.

(6) In the case of criminal or disciplinary proceedings, he or she may attend court proceedings even when the public is excluded. He or she shall be given access to records to the same extent as the public prosecutor or the representative of the initiating authority. The right pursuant to the first sentence of this paragraph shall also apply in matters of request and complaint proceedings under the Military Disciplinary Code and the Military Complaints Regulations before courts that have jurisdiction over military disciplinary offences and in proceedings before administrative courts that relate to his or her area of responsibility; in such proceedings, he or she shall have the same right of access to records as a party to the proceedings.

Section 4 Administrative Assistance

Courts and administrative authorities of the Federation, the *Länder* and the municipalities shall be obliged to render the Commissioner administrative assistance in the conduct of necessary investigations.

Section 5 General Guidelines; Exemption from Instructions

(1) The Bundestag and the Defence Committee may issue general guidelines for the work of the Commissioner.

(2) Notwithstanding Section 1(2), the Commissioner shall not be subject to instructions.

Section 6 Obligation of Presence

The Bundestag and the Defence Committee may at any time demand the presence of the Commissioner.

Section 7 Service Personnel's Right of Petition

Every member of the armed forces shall have the right to contact the Commissioner directly without going through official channels. He or she shall not be disciplined or discriminated against because of his or her petition to the Commissioner.

Section 8 Anonymous Petitions

Anonymous petitions shall not be dealt with.

Section 9 Confidentiality of Petitions

Where the Commissioner takes action in response to a petition, it shall be left to his or her discretion to disclose the fact of a petition and the name of the petitioner. He or she shall refrain from their disclosure if the petitioner so wishes and compliance with this wish is not barred by legal duties.

Section 10 Obligation of Secrecy

- (1) The Commissioner is obliged, even once his or her term of office has ended, to maintain secrecy regarding matters that have come to his or her official knowledge. This does not apply to official communications or to matters that are known to the general public or that do not require secrecy in view of the level of importance accorded to them.
- (2) The Commissioner shall not, even once his or her term of office has ended, give any evidence on such matters before a court or out of court, or make statements without permission. This permission shall be given by the President of the Bundestag in agreement with the Defence Committee.
- (3) Permission to give evidence as a witness shall not be denied unless it would be to the detriment of the public good of the Federation or of one of the German *Länder*, or it would severely jeopardise or considerably impede the performance of public duties.
- (4) This shall not affect the statutory obligation to report crimes and to advocate the preservation of the free democratic basic order where it is jeopardised.

Section 11

(Repealed)

Section 12 Obligation of Federal and *Land* Authorities to Inform the Commissioner

The judicial and administrative authorities of the Federation and the *Länder* shall be obliged to inform the Commissioner about the institution of proceedings, the filing of a public charge, any investigations ordered in disciplinary proceedings and the outcome of such proceedings, when the matter has been referred to one of these authorities by the Commissioner.

Section 13 Election of the Parliamentary Commissioner for the Armed Forces

The Bundestag shall elect the Commissioner by secret ballot with a majority of its Members. Candidates may be put forward by the Defence Committee, by the parliamentary groups and by as many Members of the Bundestag as are required for the formation of a parliamentary group pursuant to the Rules of Procedure. No debate shall take place.

Section 14 Eligibility; Term of Office; Ban on Practice of another Profession; Oath; Exemption from Military Service

- (1) Every German who is entitled to be elected to the Bundestag and has attained the age of 35 shall be eligible for the office of Commissioner (as amended by the Act of 30 March 1990 (Federal Law Gazette I, page 599).
- (2) The term of office of the Commissioner shall be five years. Re-election shall be admissible.
- (3) The Commissioner may not hold any other salaried office, engage in any trade, practise any profession, belong to the management or the supervisory board of any enterprise carried on for profit, or be a member of a government or a legislative body of the Federation or a *Land*.
- (4) On assuming office, the Commissioner shall take the oath of office as laid down in Article 56 of the Basic Law.
- (5) For the duration of his or her term of office, the Commissioner shall be exempt from military service.

Section 15 Legal Status of the Commissioner; Beginning and End of Term of Office

- (1) Pursuant to the provisions of this Act, the Commissioner holds an office under public law. The President of the Bundestag shall appoint the person elected.
- (2) The Commissioner's term of office shall begin when his or her letter of appointment is handed over or, should the oath be taken at an earlier date (Section 14(4)), at the time when the oath is taken.
- (3) The Commissioner's term of office shall end, apart from the termination of his or her tenure pursuant to Section 14(2) or through death upon his or her dismissal, upon his or her resignation.
- (4) Upon the request of the Defence Committee, the Bundestag may instruct its President to dismiss the Commissioner. This decision shall require the approval of the majority of the Members of the Bundestag.
- (5) The Commissioner may resign at any time. The President of the Bundestag shall announce the resignation.

Section 16 Seat of the Commissioner; Chief Administrator; Staff; Budget

- (1) The seat of the Commissioner shall be attached to the Bundestag.
- (2) The Commissioner shall be supported by a Chief Administrator. Additional personnel shall assist the Commissioner in the execution of his or her duties. The civil servants attached to the Commissioner shall be civil servants of the Bundestag pursuant to Section 176 of the Act on Federal Civil Servants of 3 January 1977 (Federal Law Gazette I, pages 1, 795, 842), most recently amended by Section 27 of the Act of 26 June 1981 (Federal Law Gazette I, Page 553). The Commissioner shall be the superior of the personnel assigned to him or her.
- (3) The necessary personnel and equipment made available to the Commissioner for the performance of his or her functions shall be detailed in a separate chapter of the Bundestag budget.

Section 17 Representation of the Commissioner

- (1) If the Commissioner is prevented from performing his or her functions, and from the end of his or her term of office to the beginning of the term of office of his or her successor, the Chief Administrator shall exercise the rights of the Commissioner except for the right pursuant to Section 3(4). Section 5(2) shall apply *mutatis mutandis*.
- (2) If the Commissioner is prevented from exercising his or her office for more than three months, or when more than three months have elapsed after the end of the Commissioner's term of office without the term of office of a successor having commenced, the Defence Committee may authorise the Chief Administrator to exercise the right pursuant to Section 3(4).

Section 18 Official Emoluments; Other Payments

- (1) From the beginning of the calendar month in which he or she takes office to the end of the calendar month in which his or her term of office ends, the Commissioner shall be paid official emoluments. Section 11(1)(a) and
(b) of the Federal Ministers Act shall apply *mutatis mutandis* with the proviso that the Commissioner's salary and

local allowance shall be 75 per cent of the salary and local allowance of a Federal Minister. The emoluments shall be paid monthly in advance.

- (2) In all other respects Section 11(2) and (4), and Sections 13 to 20 and 21a of the Federal Ministers Act shall apply *mutatis mutandis* with the proviso that, instead of a two-year term of office (Section 15(1) of the Federal

Ministers Act), a five-year term shall apply. The first sentence of this paragraph shall apply *mutatis mutandis* to a career soldier or temporary-career volunteer who has been appointed Commissioner with the proviso that, in the case of temporary-career volunteers where Section 18(2) of the Federal Ministers Act applies, the date of retirement shall be replaced by the termination of service.

- (3) The provisions of the Federal Travel Expenses Act as published in the Notification of 13 November 1973 (Federal Law Gazette I, p. 1621), most recently amended by the Ordinance of 31 May 1979 (Federal Law

Gazette I, p. 618), regarding the highest travel expense category, and the provisions of the Federal Removal Expenses Act in the version of 13 November 1973 (Federal Law Gazette I, p. 1628), most recently amended by Article VII of the Act of 20 December 1974 (Federal Law Gazette I, p. 3716), regarding removals necessary as a result of appointment or termination of office, shall apply *mutatis mutandis*.

Section 19

(Repealed)

Section 20

(Entry into Force)

Excerpt from the Rules of Procedure of the German Bundestag

in the version of the Notification of 2 July 1980 (Federal Law Gazette I, p. 1237),
last amended by the Notification of 23 December 2022 (Federal Law Gazette I, p. 2598)

Rule 113 Election of the Parliamentary Commissioner for the Armed Forces

The Parliamentary Commissioner for the Armed Forces shall be elected by secret ballot (Rule 49).

Rule 114 Reports of the Parliamentary Commissioner for the Armed Forces

(1) The President shall refer the reports of the Parliamentary Commissioner for the Armed Forces to the Defence Committee unless a parliamentary group or five per cent of the Members of the Bundestag demand that they be placed on the agenda.

(2) The Defence Committee shall report to the Bundestag.

Rule 115 Debates on reports of the Parliamentary Commissioner for the Armed Forces

(1) The President shall grant leave to speak to the Parliamentary Commissioner for the Armed Forces in the debate on reports submitted by the Commissioner if a parliamentary group so demands or five per cent of the Members of the Bundestag, who shall be present, so demand.

(2) Upon the demand of a parliamentary group or the demand of five per cent of the Members of the Bundestag, who shall be present, the Parliamentary Commissioner for the Armed Forces shall be summoned to attend sittings of the Bundestag; paragraph (1) shall apply *mutatis mutandis*.

**Procedural principles for cooperation between the Petitions Committee
and the Parliamentary Commissioner for the Armed Forces of the Bundestag**

1. The Petitions Committee shall notify the Parliamentary Commissioner for the Armed Forces of a petition if it relates to service personnel of the Bundeswehr. The Parliamentary Commissioner for the Armed Forces shall inform the Petitions Committee whether he or she has opened a case file in the same matter and whether he or she will be taking action.
2. The Parliamentary Commissioner for the Armed Forces shall notify the Petitions Committee of a case if the Petitions Committee has recognisably received a petition in the same matter.
3. If the Petitions Committee and the Parliamentary Commissioner for the Armed Forces both deal with the same matter, the case shall generally first be processed by the Parliamentary Commissioner for the Armed Forces.

If the Petitions Committee takes action, it shall notify the Parliamentary Commissioner for the Armed Forces of such.

The Parliamentary Commissioner for the Armed Forces and the Petitions Committee shall regularly notify each other in writing of the progress of processing and its outcome.

Excerpt from Type A General Publication 2600/2
Matters concerning the Parliamentary Commissioner for the Armed Forces

Contents

- 1 Constitutional status of the Parliamentary Commissioner for the Armed Forces
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 - 2.1 Tasks
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1 Constitutional status of the Parliamentary Commissioner for the Armed Forces

101. The Parliamentary Commissioner for the Armed Forces is appointed by the Bundestag to safeguard basic rights and act as an auxiliary organ of the Bundestag in the exercise of parliamentary oversight. The details are regulated in the Act on the Parliamentary Commissioner for the Armed Forces (Act pursuant to Article 45b of the Basic Law – WBeauftrG) in the version of the Notification of 16 June 1982 (Federal Law Gazette I, p. 677), most recently amended by Article 15(68) of the Act to Restructure Civil Service Law of 5 February 2009 (Federal Law Gazette I, p. 160).

2 Tasks and powers of the Parliamentary Commissioner for the Armed Forces

2.1 Tasks

201. The Parliamentary Commissioner for the Armed Forces shall take action
- upon instructions from the Bundestag or the Defence Committee to examine certain matters,
 - on his or her own initiative and at his or her due discretion when, as a result of
 - + his or her visits pursuant to Section 3(4) of the Act on the Parliamentary Commissioner for the Armed Forces (WBeauftrG),
 - + as a result of communications from Members of the Bundestag,
 - + as a result of petitions pursuant to Section 7 WBeauftrG or
 - + in any other way,

Circumstances come to his or her attention that suggest a violation of the basic rights of service personnel or the principles of leadership development and civic education.

2.2 Powers

202. In performing the tasks assigned to him/her, the Parliamentary Commissioner for the Armed Forces shall have the following powers in particular:
- a) She or he may demand information and access to records from the Federal Minister of Defence and all the Minister's subordinate agencies and personnel. These rights may only be denied for compelling reasons of secrecy. The decision to deny these rights shall be taken by the Federal

Minister of Defence or her or his permanent official deputy; he or she shall explain it before the Defence Committee.

- b) If instructed by the German Bundestag or the Defence Committee and in response to a petition that is based on a complaint from the petitioner, she or he may hear the petitioner, as well as witnesses and experts.
 - c) She or he shall have the right to visit units, headquarters, agencies and authorities of the Federal Armed Forces and their installations at any time, even without prior notice. The right to make such visits shall be vested exclusively in the person of the Parliamentary Commissioner for the Armed Forces. The exercise of this right may only be denied for compelling reasons of secrecy. To this end, the decision of the Federal Minister of Defence is to be obtained.
 - d) She or he may also attend closed court hearings in criminal or disciplinary proceedings that are concerned with her or his area of jurisdiction. During such proceedings, she or he shall have the same right of access to records as the parties to the proceedings and the representative of the instituting authority. He or she shall also be entitled to the powers under sentence 1 in application and appeal proceedings under the Code of Military Discipline and the Code of Military Appeals before the military service courts as well as in proceedings before the courts of administrative jurisdiction that are related to his or her area of responsibility; in these proceedings, he or she shall have the right to access records to the same extent as a party to the proceedings.
 - e) She or he may give the authorities concerned an opportunity to settle the matter.
 - f) She or he may refer a case to the authority responsible for the institution of criminal or disciplinary proceedings.
203. With the exception of the right to make unannounced visits pursuant to paragraph 202(c), the powers of the Parliamentary Commissioner for the Armed Forces may be exercised by her or his staff. Fact-finding visits conducted by her or his staff shall be announced in advance.

3 Procedural arrangements

3.1 General remarks

301. Matters concerning the Parliamentary Commissioner for the Armed Forces must be dealt with as matters of urgency. Should an extended period of time be required to deal with such matters, the Parliamentary Commissioner for the Armed Forces shall be informed of the progress made at appropriate intervals by the agency that has to comment on the matter.

All the agencies tasked with dealing with these matters must treat them as secret and confidential. This shall also apply if a matter concerning the Parliamentary Commissioner is forwarded through official channels or to multiple agencies.

Should doubts arise as to whether compelling reasons of secrecy demand the denial of a request when the Parliamentary Commissioner for the Armed Forces requests information or access to records, or during a visit, a decision of the Federal Minister of Defence is to be obtained immediately. The Parliamentary Commissioner shall be informed of the decision reached.

3.2 Processing

302. If the Parliamentary Commissioner for the Armed Forces has written personally to members of the Bundeswehr, the individual to whom the letter has been addressed shall reply. If the Commissioner has written to an agency of the Bundeswehr, the head of the agency shall reply. As a matter of principle, final comments shall be signed by the agency management.
303. If the Parliamentary Commissioner for the Armed Forces has written to agencies of the Bundeswehr, the agency dealing with the matter and able to provide information must issue a confirmation of receipt.
304. Investigations that are required shall be conducted by the disciplinary superior competent to do so in each case. Affected or accused persons who are named in the petition are not to be tasked with any such investigation. If action is found to be needed after completing the processing, any deficiencies identified shall be remedied. The same shall apply if an agency of the Federal Armed Forces is tasked by the

- Federal Ministry of Defence (FMoD) with answering a request from the Parliamentary Commissioner for the Armed Forces.
305. The processing of matters concerning the Parliamentary Commissioner for the Armed Forces within the Federal Ministry of Defence shall be guided by the relevant provisions of the Supplementary Rules of Procedure of the Federal Ministry of Defence (GO-BMVg).
306. Should superiors of a petitioner be asked by the Parliamentary Commissioner for the Armed Forces to comment, they shall arrange for the facts of the matter to be reviewed and shall convey the results of the investigation, together with their own comments, to the Parliamentary Commissioner for the Armed Forces.
307. The documents compiled in the scope of the review are to be conveyed to the Parliamentary Commissioner for the Armed Forces. These shall generally include in particular
- records of any questioning that has taken place, records regarding hearings,
 - official statements and/or comments,
 - decisions on the referral of a matter to the criminal prosecution authority,
 - orders to initiate proceedings,
 - disciplinary orders,
 - orders to refrain from proceedings,
 - military human resources measures and decisions (e.g., dismissals, extension of the period of service)
308. Should agencies subordinate to the Federal Ministry of Defence be immediately concerned with cases raised by the Parliamentary Commissioner for the Armed Forces, i.e. without the involvement of the Ministry, the General Regulation ‘Cooperation of the Federal Ministry of Defence with its Subordinate Agencies’ (A-500/1) shall apply. With regard to cases of significance for the management of the Federal Ministry of Defence, the relevant specialist authority within the FMoD is to be notified for information only. In cases of outstanding fundamental and/or strategic significance, the authority within the Ministry responsible for this specialist area is to be notified through official channels prior to the dispatch of the comments. Branch FüSK III 1 is to be notified in all cases for information only.
309. Comments from agencies of the Bundeswehr that have been submitted following requests from the Parliamentary Commissioner for the Armed Forces made in response to reports pursuant to Type A General Regulation 2600/10 ‘Estimate of Bundeswehr Morale and Incident Reporting’ classified as ‘restricted’ are to be forwarded to Branch FMoD FüSK III 1 following their dispatch.
- This applies to
- petitions or reports concerning ‘suspicions of crimes under the Military Penal Code’ (paragraphs 322 to 325 of Type A General Regulation 2600/10),
 - petitions or reports concerning ‘suspicions of crimes against sexual self-determination and other forms of sexual harassment by or against members of the Bundeswehr’ (paragraph 341 of Type A General Regulation 2600/10),
 - petitions or reports concerning ‘suspicions of espionage, extremism or violation of the free democratic basic order, committed by or against members of the Bundeswehr’ (paras. 361 to 363 of Type-A General Regulation 2600/10).
310. In addition to this, upon request, all comments submitted to the Parliamentary Commissioner for the Armed Forces by agencies of the Bundeswehr are to be forwarded through official channels to the Federal Ministry of Defence, with the main case files that have been compiled, following their dispatch, if
- the matter is to be assigned political or public/media significance, or
 - judicial criminal or disciplinary proceedings have been instituted concerning the case in question, or their institution is to be expected.
311. In so far as servicewomen or -men release the physicians who have treated them or medical assessors from their duty to maintain medical confidentiality in connection with their petitions to the

Parliamentary Commissioner for the Armed Forces, this shall, in case of doubt, relate exclusively to comments made directly to the Parliamentary Commissioner.

Copies of these comments and annexes attached to them that are to be forwarded to other agencies within the jurisdiction of the Federal Ministry of Defence through official channels must not contain any facts or assessments that are subject to medical confidentiality.

312. Comments addressed to the Parliamentary Commissioner for the Armed Forces shall, where applicable, be drafted in such a way that statements subject to medical confidentiality are summarised in a separate annex and shall be conveyed only to the Commissioner directly together with the original copy of the letter.
313. With regard to petitions, their contents and the comments on them, all concerned shall also have a duty to observe confidentiality in their dealings with one another pursuant to the provisions of the relevant legislation and/or collective agreements (e.g. Section 14 of the Act Relating to the Legal Status of Military Personnel, Section 67 of the Federal Civil Service Act, Section 3(1) of the Collective Agreement for the Public Service).
314. As a matter of principle, petition proceedings shall be concluded by a letter from the Parliamentary Commissioner for the Armed Forces. Should the Parliamentary Commissioner give notification of the conclusion of proceedings, the agency that has received the notification is to make the outcome of the review by the Parliamentary Commissioner for the Armed Forces known to all the agencies dealing with the petition.
315. Petitions that the Parliamentary Commissioner for the Armed Forces forwards to agencies of the Bundeswehr or the Federal Ministry of Defence for their comments may only be dealt with as complaints under the Military Complaints Regulations (WBO) when construing them in this fashion is consistent with the express will of the petitioner. If necessary, the petitioner is to be asked if this is the case.

3.3 Hearings

316. Should the Parliamentary Commissioner for the Armed Forces exercise her or his rights to information and access to records (para. 202 (a)) this is to be supported in every respect. In so far as this is required, special or administrative leave shall be granted for a hearing pursuant to Section 9 of the Leave Regulations for Military Personnel (SUV) in conjunction with Section 5(2) of the Leave Regulations for Military Personnel. The possibility of temporary duty travel may be examined with due consideration for the current directives situation.
317. If servicewomen or -men are to be heard on matters subject to official confidentiality, permission to give evidence is to be obtained from the competent disciplinary superior. Permission to give evidence shall be deemed to have been given if the evidence does not contain any classified information or only classified information whose security classification is no higher than 'restricted' (VS-NUR FÜR DEN DIENSTGEBRAUCH). Should the persons providing evidence be employees, the regulations set out in civil service and collective agreement law governing secrecy on official matters shall apply *mutatis mutandis*. The persons heard shall state when giving evidence to the Parliamentary Commissioner for the Armed Forces that their statements contain classified information.
318. The persons heard shall be reimbursed in accordance with the Judicial Remuneration and Compensation Act of 5 May 2004 (Federal Law Gazette I, p. 718, p. 776), most recently amended by Article 6 of the Act of 21 December 2020 (Federal Law Gazette I, p. 3229). This shall be done upon application by the Office of the Parliamentary Commissioner for the Armed Forces.

3.4 Processing of requests when a complaint has been made concurrently

319. Should a complaint have been submitted under the Military Complaints Regulation (WBO), including a disciplinary complaint under Section 42 of the Military Discipline Code (WDO), and should a petition on the same matter have been submitted, the Parliamentary Commissioner for the Armed Forces shall be informed about the current status and progress of the complaint case. A copy of the complaint decision shall be forwarded to her or him unbidden. She or he shall be informed separately of any recourse to legal remedies or of the non-appealability of the ruling delivered on a complaint.

320. Should a matter raised by a petition have import wider than a complaint submitted under the Military Complaints Regulations, this part of the petition shall be dealt with in the same way as other petitions.
321. The legal remedies available under the Military Complaints Regulations and Military Discipline Code shall not be replaced by a petition to the Parliamentary Commissioner for the Armed Forces. Even if a petition to the Parliamentary Commissioner for the Armed Forces is to be regarded as a complaint or application under the Military Complaints Regulations or Military Discipline Code, the time limits set in the Military Complaints Regulations and Military Discipline Code shall only be observed if the petition has been received by the authority competent to accept such a complaint or application within these time limits.

3.5 Processing within the jurisdiction of the agency concerned

322. The following arrangements shall apply for the processing of cases that the Parliamentary Commissioner for the Armed Forces refers to agencies of the Bundeswehr for them to settle within their own jurisdiction:
- a) Should the case be directed against a servicewoman or -man, it shall be forwarded to the immediate disciplinary superior who is competent to deal with it.
 - b) Other cases shall be forwarded to the agency that has to judge on the subject matter of the case.
323. The agency referred to in paragraph 322(b) shall have to deliver a response to the petitioner through official channels, which it may also be communicated orally by the competent disciplinary superiors.

3.6 Visits conducted by the Parliamentary Commissioner for the Armed Forces

324. Visits conducted by the Parliamentary Commissioner for the Armed Forces on special grounds (e.g. in connection with special incidents, or should several identical or similar petitions have been submitted from the same unit or agency) shall be reported by the heads of the agency concerned to the Federal Ministry of Defence in writing / by email using the following template:

Federal Ministry of Defence

Branch FüSK III 1

Stauffenbergstraße 18

10785 Berlin

(Email: BMVg FüSK III 1/BMVg/BUND/DE) for information only through official channels:

Higher commands and higher federal authorities of the respective major organisational elements or military agencies immediately subordinated to the Federal Ministry of Defence

(Army Headquarters (KdoH), Air Force Headquarters (KdoLw), Navy Headquarters (MarKdo), Joint Support Service Command (KdoSKB), Bundeswehr Medical Service Command (KdoSanDstBw), Cyber and Information Domain Service Headquarters (KdoCIR), Bundeswehr Operations Command (EinsFüKdoBw), Bundeswehr Planning Office (PlgABw), German Military Aviation Authority (LufABw), Leadership and Development and Civic Education Centre (ZInFü), Bundeswehr Command and Staff College (FüAkBw), Federal Office of Military Counter-Intelligence (BAMAD), Federal Office of Bundeswehr Personnel Management (BAPersBw), Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support (BAAINBw), Federal Office of Bundeswehr Infrastructure, Environmental Protection and Services (BAIUDBw), Federal Office of Languages (BSprA), Bundeswehr Education Management Centre (BiZBw), Bundeswehr University Hamburg/Munich (UniBw HH/M), Office of the Evangelical Lutheran Church for the Bundeswehr (EKA), Catholic Military Episcopal Office (KMBA), Disciplinary Attorney General for the Armed Forces at the Federal Administrative Court (BWDA), Bundeswehr Centre of Military History and Social Sciences (ZMSBw)).

Subject:

Re: Field visit by the Parliamentary Commissioner for the Armed Forces on special grounds

- Date and time
- Unit / agency
- Location and accommodation
- Grounds

4 Notification of servicewomen and -men, rights and obligations

401. All servicewomen and -men shall be notified of the functions and powers of the Parliamentary Commissioner for the Armed Forces by their disciplinary superior at the beginning of their basic training and, once again, following their transfer to their parent units.
402. Every servicewoman and -man has the right to submit petitions to the Parliamentary Commissioner for the Armed Forces directly without having to go through official channels.
403. The Commissioner's address is:
Parliamentary Commissioner for the Armed Forces
Platz der Republik 1
11011 Berlin
(Mail: wehrbeauftragte@bundestag.de or wehrbeauftragter@bundestag.de)
Pursuant to paragraph 145 of Type A2 General Regulation 2630/0-0-2, 'Life in the Military Community', this address shall be displayed on the unit's/agency's information board or information portal.
403. Petitions/letters from members of the Bundeswehr to the Parliamentary Commissioner for the Armed Forces shall be conveyed by the internal postal service. They may be posted in the unit/agency.
404. Servicewomen and -men may only contact the Parliamentary Commissioner for the Armed Forces individually.
405. Anonymous petitions shall not be dealt with.
406. If, before submitting their petitions, service personnel contact their disciplinary superiors, they shall receive advice and assistance. It shall be a disciplinary offence and simultaneously a criminal offence under Section 35 of the Military Penal Code if superiors use orders, threats, promises or gifts, or any other means that run counter to service regulations to persuade subordinates not to submit petitions to the Parliamentary Commissioner for the Armed Forces, or suppress such petitions. Any attempt to do so shall also be prosecutable and may be punished as a disciplinary offence.
407. No servicewoman or man may be officially disciplined or discriminated against because she or he has submitted a petition to the Parliamentary Commissioner for the Armed Forces. Compliance with the prohibition of discrimination pursuant to the second sentence of Section 7 of the Act on the Parliamentary Commissioner for the Armed Forces is to be ensured. Should the petition contain breaches of official duties or crimes, for example insulting or libellous remarks, this may be punished through criminal channels or prosecuted in the criminal courts as a disciplinary offence (comparison 3323 of Type A General Regulation 2160/6, 'Military Discipline Code and Military Complaints Regulations').
408. Servicewomen and -men may not enclose documents with security classifications higher than 'confidential' (VS-VERTRAULICH) with their petitions to the Parliamentary Commissioner for the Armed Forces. This prohibition also extends to the detailing of information that, to their knowledge, is subject to security classifications higher than 'restricted' (VS-NUR FÜR DEN DIENSTGEBRAUCH). Should the communication of such circumstances seem necessary from the point of view of the petitioner, a reference to this may be included in the petition, or the petitioner shall make contact directly with the Office of the Parliamentary Commissioner for the Armed Forces in order to present her or his concerns while abiding by the provisions on confidentiality. Classified information may only be processed and sent electronically using Information Technology authorised for classified information (VS-IT). It is consequently not permitted to forward classified information subject to the security classification 'restricted' (VS-NUR FÜR DEN DIENSTGEBRAUCH) by e-mail over the public

Internet. Classified information subject to the security classification ‘restricted’ (VS-NUR FÜR DEN DIENSTGEBRAUCH) may be sent by private courier services as a normal letter and/or parcel. The envelope or parcel shall not be labelled as classified.

409. In the performance of the tasks entrusted to him or her, the Parliamentary Commissioner for the Armed Forces shall have the power to demand information and access records from the Federal Minister of Defence and all subordinate agencies and persons. These rights may only be denied for compelling reasons of secrecy. The decision to deny said rights shall be made by the Federal Minister of Defence in person or by her or his permanent official deputy. As a matter of principle, classified information forwarded to the Parliamentary Commissioner for the Armed Forces whose security classification is ‘confidential’ (VS-VERTRAULICH) or higher shall be sent via the Federal Ministry of Defence to the classified information registry of the recipient.

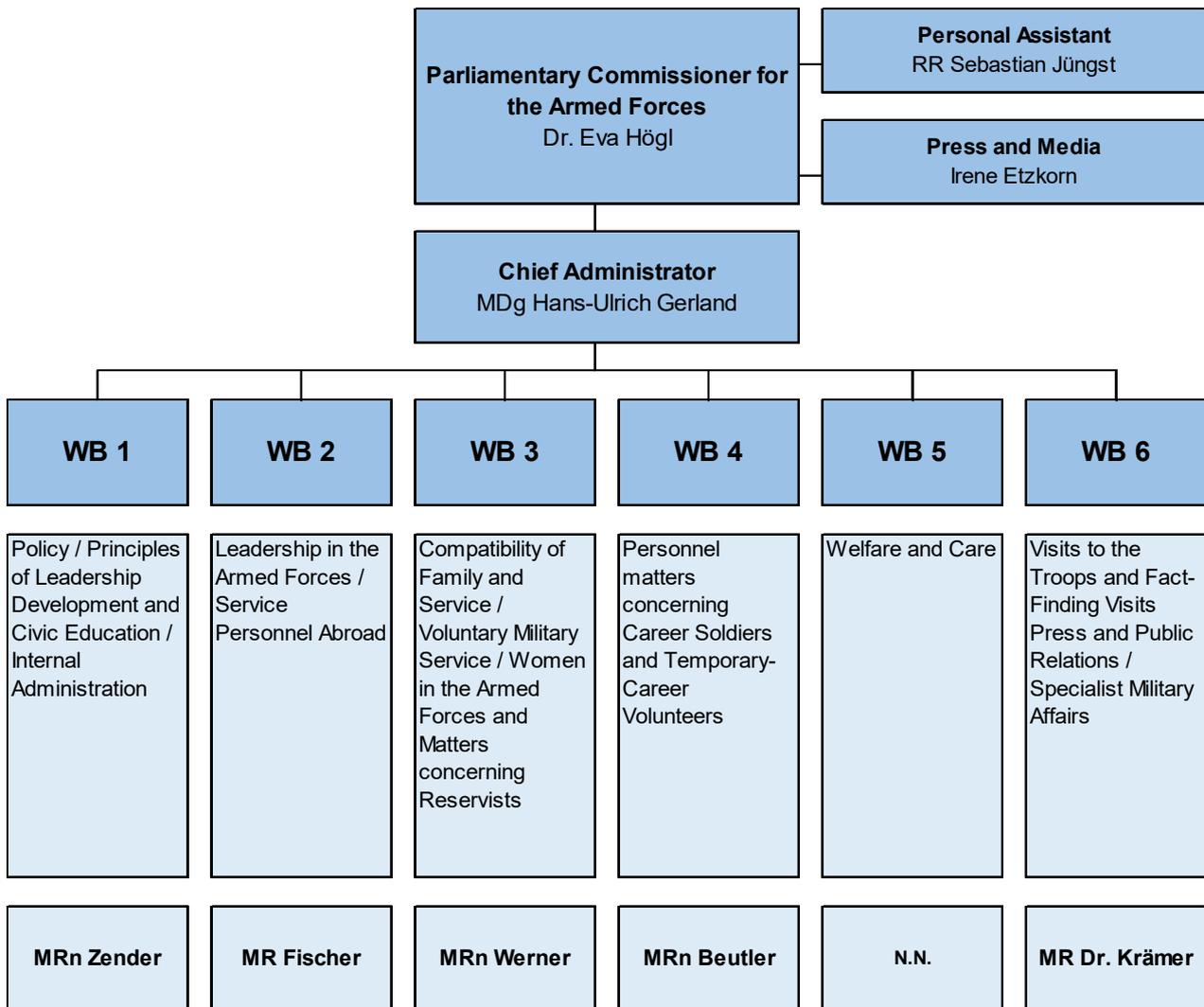
5 Data protection

501. The European General Data Protection Regulation (GDPR) and the German Federal Data Protection Act (BDSG) must be complied with when processing matters concerning the Parliamentary Commissioner for the Armed Forces (questioning, requesting comments, compilation of reports/templates, transmitting replies, etc.). In this regard, the explanatory provisions of Type A General Regulation 2122/4 “Data Protection – Rules for implementing the European General Data Protection Regulation and the Federal Data Protection Act” shall apply, in particular in relation to the information obligations to be met. Furthermore, the protection mechanisms set forth – up to protection level 3 – must be complied with.
502. As a matter of principle, the information obligations pursuant to Article 13 *et seq.* GDPR shall be complied with as follows: The petitioner has already been informed about the act of processing by the Parliamentary Commissioner for the Armed Forces. An information obligation does not apply here. The third parties named during processing of the petition must generally be informed during the proceedings (e.g. in the context of answering questions) (cf. Type A General Regulation 2122/4, paras. 5001 *et seq.*, Chapter 5 “Sample Information Obligations”).

6 Cooperation in a spirit of trust

601. It shall be expected of all superiors that they cooperate in a spirit of trust with the Parliamentary Commissioner for the Armed Forces and therefore give her or him the opportunity to gather information quickly and thoroughly.
- This will make it possible to significantly promote service personnel’s understanding of our country’s constitutional system and legal order, as well as their confidence both in democracy and in the Bundeswehr.

22. Organisational chart of the Office of the Parliamentary Commissioner for the Armed Forces



Postal address:

Platz der Republik 1
11011 Berlin

Address for visitors:

Neustädtische Kirchstraße 15
10117 Berlin

Tel.: +49 30 227-38100

Fax: +49 30 227-38283

wehrbeauftragte@bundestag.de

www.bundestag.de/parlament/wehrbeauftragte

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