

Übersetzung durch Ute Reusch

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Stand: Die Übersetzung berücksichtigt die Änderung(en) des Gesetzes durch Artikel 35 des Gesetzes vom 20. November 2019 (BGBl. I S. 1626).

Version information: The translation includes the amendment(s) to the Act by Article 35 of the Act of 20 November 2019 (Federal Law Gazette I, p. 1626).

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Act to Promote Youth Voluntary Services (Jugendfreiwilligendienstegesetz – JFDG)

Youth Voluntary Services Act of 16 May 2008 (Federal Law Gazette I, p. 842), as amended by Article 35 of the Act of 20 November 2019 (Federal Law Gazette I, p. 1626)

Section 1

Eligibility for support

(1) Youth voluntary services promote the educability of young people and are a specific form of civic engagement. A youth voluntary service is eligible for support where the conditions set out in sections 2 to 8 are met and the voluntary service is carried out by an agency accredited in accordance with section 10. The support serves to offset the hardships and disadvantages associated with undertaking youth voluntary service within the meaning of this Act.

(2) Youth voluntary services within the meaning of this Act are the Voluntary Social Year (*Freiwilliges Soziales Jahr*, FSJ) and the Voluntary Ecological Year (*Freiwilliges Ökologisches Jahr*, FÖJ).

Section 2

Volunteers

(1) For the purposes of this Act, 'volunteers' are persons who

1. have completed their full-time compulsory education but have not yet reached the age of 27,
2. are undertaking a voluntary service
 - a) which is not intended to be a gainful activity, is not part of vocational training and is comparable to full-time employment or
 - b) which is not intended to be a gainful activity, is not part of vocational training and is comparable to part-time employment of more than 20 hours per week, provided that they have a justified interest in taking on part-time employment,
3. have committed to undertaking the voluntary service for a period of a minimum of six months and a maximum of 24 months on the basis of an agreement pursuant to section 11 and
4. in return for the voluntary service
 - a) may receive only free board, lodging and work clothes, as well as reasonable pocket money or

- b) in lieu of free board, lodging and work clothes, may receive commensurate financial compensation and reasonable pocket money.

Pocket money is reasonable if it does not exceed 6 per cent of the contribution assessment ceiling for statutory pension insurance. In the case of voluntary service which is comparable to part-time employment, this percentage is to be reduced.

(2) Volunteers are also those persons who are being prepared, by a youth voluntary services agency accredited in accordance with section 10, to undertake a period of youth voluntary service abroad (preparatory service), receive only those benefits provided for under this Act for the preparatory service, are engaged in no activity against payment while undergoing the preparatory service and fulfil the conditions set out in subsection (1) nos. 1 and 3.

Section 3 Voluntary Social Year

(1) The Voluntary Social Year is carried out in a predominantly hands-on auxiliary activity which is geared to learning goals and is carried out in common good-oriented facilities, primarily facilities for social welfare, facilities of the child and youth welfare services, including facilities for non-formal youth education and facilities of youth work, in healthcare facilities, in cultural and cultural heritage protection institutions, or in sports facilities.

(2) Those undertaking the Voluntary Social Year receive training and guidance. The training and guidance is provided by a central office of an agency of the youth voluntary service accredited in accordance with section 10, with the aim of teaching social, cultural and intercultural skills and building a sense of responsibility for the common good.

Section 4 Voluntary Ecological Year

(1) The Voluntary Ecological Year is carried out in a predominantly hands-on auxiliary activity which is geared to educational objectives in suitable places of assignment and facilities active in the field of nature conservation and environmental protection, including education for sustainability.

(2) Those undertaking the Voluntary Ecological Year receive training and guidance. The training and guidance is provided by a central office of an agency of the youth voluntary service accredited in accordance with section 10, with the aim of teaching social, cultural and intercultural skills and building a sense of responsibility for the common good. The Voluntary Ecological Year in particular serves to strengthen the sustainable management of nature and the environment and to raise environmental awareness in order to promote competent action to benefit nature and the environment.

Section 5 Youth voluntary services in Germany

(1) As a general rule, the Voluntary Social Year in Germany and the Voluntary Ecological Year in Germany are carried out for a continuous period of 12 months. The minimum duration of a period of youth voluntary service with the same agency accredited in accordance with section 10 is six months; the voluntary service may be extended to a maximum duration of a total of 18 months. The agency may also deliver the youth voluntary service in the context of an overall educational concept in separate periods if one period lasts at least three months.

(2) The training and guidance comprises the volunteers' technical instruction which is oriented towards educational objectives and delivered by the place of assignment, their individual guidance by the agency's educational instructors and the place of assignment, as well as work in seminars. An introductory, an interim and a concluding seminar are held which must each last a minimum of five days. The overall duration of the seminars for a volunteer carrying out a 12-month youth voluntary service is at least 25 days. Where agreement is reached that the voluntary service is to exceed or is to be extended beyond 12 months, the number of seminar days increases by at least one day for each additional

month. Time spent attending the seminars counts as working time. Participation is compulsory. Volunteers are involved in designing the content of the seminars and implementing them.

(3) Up to a maximum duration of 18 months, a Voluntary Social Year and a Voluntary Ecological Year of a minimum of six months may be served consecutively. In such cases, subsection (2) applies in respect of the number of seminar days for each service. A period of federal voluntary service under the Federal Voluntary Service Act

(*Bundesfreiwilligendienstgesetz*) is to be credited to the maximum duration.

(4) The accredited agencies and the places of assignment conclude a contractual agreement in respect of the youth voluntary service carried out in accordance with this Act. The agreement stipulates in which manner agencies and places of assignment jointly pursue the objectives of the voluntary service, in particular in respect of social skills, personal development, as well as promoting the educability and employability of the volunteers.

Section 6

Youth voluntary service abroad

(1) A Voluntary Social Year or a Voluntary Ecological Year within the meaning of this Act may also be carried out abroad.

(2) The youth voluntary service abroad is carried out pursuant to section 2 (1) no. 1 and exclusively for an unbroken period. Section 5 applies *mutatis mutandis*, insofar as no diverging provisions apply to the youth voluntary service abroad. The Voluntary Social Year Abroad can, in particular, be a period of service for peace and reconciliation. Volunteers undertaking youth voluntary service abroad receive training and guidance pursuant to nos. 1 to 3:

1. Training and guidance is provided by an agency accredited in accordance with section 10.

2. In preparation for the youth voluntary service and during the voluntary service abroad, training and guidance is provided in the form of training measures (seminars or educational events), through technical instruction by the place of assignment and individual guidance provided by instructors employed by the place of assignment or the agency; volunteers are involved in designing the content of the seminars and implementing them.

3. The overall duration of the training measures is at least five weeks for those undertaking a 12-month period of youth voluntary service abroad.

The training and guidance is, as a rule, to comprise at least four-week preparatory events and follow-up events lasting a minimum of one week which are each held in Germany. Where the agency is able to provide an interim seminar abroad, which may last up to two weeks, the preparatory events are shortened accordingly. Time spent participating in the training measures counts as working time. Participation is compulsory.

(3) The voluntary service must be agreed and organised together with the agency pursuant to section 11 (1). Section 11 (2) does not apply. The maximum duration of a posting abroad is 18 months. Section 5 (2) sentences 3 and 4 apply *mutatis mutandis* to the number of additional days spent taking part in a seminar.

Section 7

Combined youth voluntary service

A combined youth voluntary service in Germany and abroad may be offered by the agency if a maximum duration of 18 consecutive months is not exceeded and the individual periods volunteering in Germany and abroad last at least three months each. The voluntary service must be agreed and organised together with the agency for the overall period in accordance with section 11 (1). Section 11 (2) does not apply. The training and guidance is, as a rule, provided pursuant to section 6; interim seminars may also be held in Germany. Section 5 (2) applies *mutatis mutandis* to periods of voluntary service lasting less or more than 12 months.

Section 8 **Temporal exceptions**

By way of exception, the youth voluntary service in accordance with sections 5, 6 and 7 may be undertaken for a period of up to 24 months where justified in the context of a specific educational concept.

Section 9 **Support**

Support is available to the Voluntary Social Year and the Voluntary Ecological Year on the basis of the following statutory provisions:

1. section 3 of the Ordinance on Special Leave for Federal Civil Servants and Judges Appointed by Federal Institutions (*Verordnung über Sonderurlaub für Bundesbeamte und Richter im Bundesdienst*) (special leave),
2. section 2 (1) no. 8 of the Labour Courts Act (*Arbeitsgerichtsgesetz*) (jurisdiction of courts),
3. section 32 (4) sentence 1 no. 2 (b) and (d) of the Income Tax Act (*Einkommensteuergesetz*) (allowances for children),
4. section 265 (2) sentence 3 no. 2 of the Equalisation of Burdens Act (*Lastenausgleichsgesetz*) (equalisation of burdens),
5. section 27 (2) sentence 2 no. 1, section 150 (2) sentence 1 no. 2 and section 344 (2) of the Third Book of the Social Code (*Sozialgesetzbuch III*) (employment promotion),
6. section 20 (3) sentence 1 no. 2 of the Fourth Book of the Social Code (*Sozialgesetzbuch IV*) (total social insurance contribution),
7. section 67 (3) sentence 1 no. 2 (b) and (c) and section 82 (2) sentence 2 of the Seventh Book of the Social Code (*Sozialgesetzbuch VII*) (statutory accident insurance),
8. section 33b (4) sentence 2 no. 2 (d) and section 45 (3) sentence 1 (c) of the Federal War Victims' Pension Act (*Bundesversorgungsgesetz*) (child supplement and orphan's allowance for war victims),
9. section 2 (2) sentence 1 no. 2 (b) and (d) of the Federal Child Benefits Act (*Bundeskindergeldgesetz*) (child benefit),
10. section 10 (1) of the Fourth Book of the Social Code (place of employment),
11. section 7 (1) sentence 1 no. 2 and section 10 (2) no. 3 of the Fifth Book of the Social Code (*Sozialgesetzbuch V*) (health insurance),
12. section 6 (1b) sentence 5 and section 48 (4) sentence 1 no. 2 (b) and (c) of the Sixth Book of the Social Code (pension insurance),
13. section 25 (2) no. 3 of the Eleventh Book of the Social Code (*Sozialgesetzbuch XI*) (long-term nursing care insurance),
14. section 1 (1) no. 2 (h) of the Ordinance on Compensation for Public Passenger Transport Services By Road (*Verordnung über den Ausgleich gemeinwirtschaftlicher Leistungen im Straßenverkehr*) (reductions in passenger transport by road),
15. section 1 (1) no. 2 (h) of the Ordinance on Compensation for Public Passenger Transport Services By Rail (*Verordnung über den Ausgleich gemeinwirtschaftlicher Leistungen im Eisenbahnverkehr*) (reductions in passenger transport by rail),

16. section 14c of the Act on Civilian Alternative Service for Conscientious Objectors (*Gesetz über den Zivildienst der Kriegsdienstverweigerer*) (recognised conscientious objectors).

Section 10 Agencies

(1) Accreditation as agencies of the Voluntary Social Year in Germany within the meaning of this Act is given to

1. associations which are members of the Federal Association of Non-statutory Welfare and its sub-organisations,
2. religious communities having the status of a corporation under public law and
3. regional authorities as well as other corporations under public law as defined by the *Länder*.

(2) The competent *Land* authority may also give accreditation as agencies of the Voluntary Social Year in Germany and agencies of the Voluntary Ecological Year in Germany within the meaning of this Act to those facilities which guarantee implementation in accordance with sections 2 and 3 or sections 4 and 5.

(3) Accreditation as agencies of the Voluntary Social Year Abroad or agencies of the Voluntary Ecological Year Abroad within the meaning of this Act is given to those legal entities which

1. carry out measures within the meaning of section 6 or 7 and which prepare, post and provide guidance to volunteers carrying out voluntary service abroad,
2. guarantee that they fulfil their tasks on the basis of proven experience abroad and fulfil the obligations incumbent upon them under this Act,
3. exclusively and directly serve tax-privileged purposes within the meaning of sections 51 to 68 of the Fiscal Code (*Abgabenordnung*) and
4. are established in the Federal Republic of Germany.

The competent *Land* authority is responsible for taking the decision on accrediting an agency of the Voluntary Social Year Abroad and on accrediting an agency of the Voluntary Ecological Year Abroad.

(4) The competent *Land* authority must revoke the accreditation of agencies within the meaning of this Act where one of the requirements set out in subsection (2) or (3) is no longer met. Accreditation may also be revoked on other important grounds, in particular if a condition was not met. The revocation or withdrawal of accreditation does not affect the rights of volunteers under this Act.

(5) Existing accreditations of agencies in accordance with the Act to Promote a Voluntary Year of Social Service (*Gesetz zur Förderung eines freiwilligen sozialen Jahres*) or in accordance with the Act to Promote a Voluntary Year of Ecological Service (*Gesetz zur Förderung eines freiwilligen ökologischen Jahres*) remain unaffected.

Section 11 Agreement, certificate, reference

(1) The accredited agency of the youth voluntary service and the volunteer conclude a written agreement prior to the commencement of the youth voluntary service. The agreement must specify

1. the volunteer's first name and surname, date of birth and address,
2. the designation of the agency of the youth voluntary service and of the place of assignment,

3. the period of youth voluntary service to which the volunteer commits and a rule governing premature termination of the voluntary service,
4. the declaration that the provisions of this Act must be complied with during the youth voluntary service,
5. the agency's accreditation notice or statutory accreditation,
6. the type and amount of the benefits in money and in kind for board, lodging, work clothes and pocket money,
7. the number of days of leave and
8. the objectives of the voluntary service and the key measures implemented to achieve those objectives.

(2) The agreement referred to in subsection (1) may also be concluded as a joint agreement between the accredited agency, the place of assignment and the volunteer, in which the place of assignment takes on the payment of benefits in money and kind for board, lodging, work clothes and pocket money for its own account. The agency is liable for the fulfilment of these obligations vis-à-vis the volunteer and third parties in the same way as a primarily liable guarantor.

(3) Upon completion of the voluntary service, the agency issues the volunteer with a certificate. Subsection (1) sentence 2 nos. 4 and 5 apply *mutatis mutandis*; in addition, the certificate must specify the period in which the voluntary service was carried out.

(4) Upon completion of the youth voluntary service, the volunteer may ask the agency to issue a written reference on the nature and duration of the youth voluntary service. The place of assignment is, as a rule, to be involved to an appropriate extent in preparing the reference; in the case set out in section 11 (2), the reference is to be prepared in consultation with the place of assignment. Upon request, the reference must detail the voluntary services carried out by the volunteer and his or her conduct during the period of voluntary service. The reference must indicate the vocational skills acquired during the youth voluntary service.

Section 12 **Data protection**

The agency of the youth voluntary service may process personal data in accordance with section 11 (1) sentence 2 where this is necessary in relation to support provided under section 9 in conjunction with the provisions referred to therein. The data must be erased upon conclusion of the youth voluntary service.

Section 13 **Application of labour-law and health and safety at work provisions**

Health and safety at work provisions and the Federal Leave Act (*Bundesurlaubsgesetz*) apply *mutatis mutandis* to activities undertaken in the context of the youth voluntary service within the meaning of this Act. Volunteers are liable for damage arising during the execution of their tasks only to the same extent as an employee.

Section 14 **(repealed)**

Section 15 **(repealed)**