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Act on the Participation of the Federation in Appointments to Bodies

(Federal Act on Appointment to Bodies)

Federal Act on Appointment to Bodies of 24 April 2015 (Federal Law Gazette I, p. 642)

Section 1

Aim of the Act

The aim of the Act is the equal representation of women and men in bodies, in so far as the
Federation may designate members of such bodies.

Section 2

Scope of application

This Act shall apply to all bodies under section 3 nos 1 and 2 for which the Federation may
designate members. It shall not apply to the appointment of members of the Federal
Government, to the judiciary or to members of bodies designated in the exercise of legally
guaranteed independence.

Section 3

Definitions

For the purposes of this Act,

1. “supervisory bodies” means supervisory and administrative boards as well as
constituent bodies exercising comparable supervision, regardless of their designation and
legal basis, even if their members are chosen by vote;
2. “essential bodies” means bodies where the membership of at least one of its
members is to be decided or note is to be taken thereof by the Federal Government or
bodies which have been determined to be essential;
3. “Federation” means
 - a) the Federal Government as a whole,
 - b) the Federal Chancellery,
 - c) the federal ministries and the Federal Government Commissioner for Culture
and the Media, including the authorities within their respective remits,
 - d) the other Federal Government Commissioners and the Federal
Commissioners and
 - e) the legal entities under public law directly accountable to the Federal
Government with no right to self-governance;
4. “members to be designated by the Federation” means members whom the
Federation may choose, appoint, delegate or nominate to a body, directly and with legal

effect; a member shall not be designated by the Federation if a third party has a right of proposal in respect of the membership vis-à-vis the Federation and exercises that right.

Section 4

Requirements of supervisory bodies

- (1) As from 1 January 2016, at least 30 per cent of the members of supervisory bodies to be designated by the Federation must be women and at least 30 per cent must be men. The minimum percentage shall be observed in the case of new elections, appointments and delegations which are necessary to fill one or more seats and it shall be successively increased. Existing seats may be retained until the planned end of their term. Where the Federation is entitled to a total of no more than two seats in a body, the first to third sentences shall not apply. Where several federal institutions under section 3 no. 3 designate members of a body, the total number of members to be designated shall be decisive. When making calculations, numbers shall be rounded up to the next full number of persons.
- (2) The aim is to increase the percentages specified in subsection (1) to 50 per cent as from 1 January 2018. Where the Federation is entitled to an uneven total number of seats in a body, the disparity between women and men may amount to only one seat.
- (3) Where the requirements set out in subsections (1) and (2) are not achieved, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth shall be notified without delay; reasons for failing to achieve the requirements shall be given.

Section 5

Requirements of essential bodies

- (1) The federal institutions under section 3 no. 3 shall determine a body to be essential if it is of particular factual, scientific or future relevance.
- (2) The federal institutions shall work towards establishing or maintaining the equal representation of women and men in essential bodies. This aim may be achieved gradually in accordance with the requirements set out in section 4 (1) and (2).
- (3) Section 4 (1), third to sixth sentences, and subsection (2), second sentence, shall apply mutatis mutandis.

Section 6

Statistics, authorisation to issue statutory instruments

- (1) The federal institutions under section 3 no. 3 shall publish on their website a list of their supervisory and essential bodies as well as the number of members of such bodies designated by the Federation in each case. Publication shall be effected for the first time by 30 June 2015. The list referred to in the first sentence shall be regularly updated.
- (2) On 31 December of each year the federal institutions shall record, in compliance with data protection regulations, how many women and men are represented in their bodies. The list referred to in subsection (1), which includes those bodies which have been included and deleted since the previous year, shall form the basis therefor. The data shall in each case be published on the websites of the federal institutions under section 3 no. 3 by 31 March of the following year and simultaneously reported to the Federal Statistical Office. Publication and reporting shall be effected for the first time by 31 March 2017.
- (3) The Federal Statistical Office shall every two years prepare statistics on behalf of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth on the data reported in accordance with subsection (2), third sentence. The statistics shall form part of the Equality Statistics under section 38 (3) no. 1 of the Federal Act on Gender Equality.
- (4) The Federal Government shall issue a statutory instrument without the consent of the Bundesrat to regulate the individual requirements in respect of the reporting of the statistical data referred to in subsection (2), third sentence.

Section 7

Report

- (1) The Federal Government shall every four years submit to the German Bundestag an overview and analysis of appointments to bodies by the Federation.
- (2) The data reported in accordance with section 6 (2), third sentence, shall form the basis for the overview and analysis. The top-level federal authorities shall provide the information required in the preparation of the report.