

# Germany<sup>1</sup>

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April 2022

N.B. Germany is a federal state.

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members page](#) on the Leave Network website.

## 1. Current leave and other employment-related policies to support parents

**Note on terminology:** German legislation (*Bundeselternzeit- und Elterngeldgesetz (BEEG)*) differentiates two dimensions of Parental leave: 'Elternzeit' refers to job protection rights and the right to work part-time; 'Elterngeld' and 'ElterngeldPlus' refer to Parental leave benefits

### a. Maternity leave (*Mutterschutz*) (responsibility of the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth)

*Length of leave (before and after birth)*

- 14 weeks: six weeks before the birth and eight weeks following the birth. It is obligatory to take the eight weeks' leave after the birth.
- From week 12 of pregnancy until four months after the birth of a child (including stillbirths), mothers are protected from job dismissal.
- Beyond the Maternity leave period, pregnant women are also protected from dismissal, workplace hazards and – in the case of asylum seekers – from deportation.

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<sup>1</sup> Please cite as: Blum, S., Reimer, T. and Schober, P. (2022) 'Germany country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2022*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

<sup>2</sup> We thank Daniel Erler (pme Familienservice) for his long-standing contribution to this country note.

### *Payment and funding*

- 100 per cent of earnings (of the mean income in the three months before Maternity leave), with no upper limit on payments.
- Self-employed and non-employed women receive no Maternity leave benefit if they have no public health insurance. However, they may apply for up to €210 per month paid for by state social security.
- The Maternity leave benefit is exempt from taxation, i.e. it is a net benefit with no taxes deducted. However, it is counted when calculating the applicable tax rate ('progression clause'). In effect, it can lead to being grouped in a higher tax rate class, and thus to higher taxes on the rest of the income.
- Maternity leave benefits (*Mutterschaftsgeld*) are usually paid by the mother's health insurance (€13 per day)<sup>3</sup> and the mother's employer, who – if applicable – covers the difference between the money provided by the health insurance and the mother's previous earnings. The benefits are paid directly to the mother by the employer, who can apply for reimbursement at the responsible health insurance institution.
- Benefits for mothers with an income below €390 per month are paid by the mother's health insurance alone and match their prior income.
- Mothers receiving unemployment benefits are also eligible to paid Maternity leave benefits by their health insurer, which match their unemployment benefit.

### *Flexibility in use*

- Women may continue with paid work or education until the birth of a child, if they explicitly declare that it is their personal decision to do so. During the postnatal period of Maternity leave, however, in general, no paid work is allowed for reasons of health protection. Only women who have had a stillbirth may resume working after two weeks if it is their personal decision and if there are no medical concerns.

### *Eligibility (e.g. related to employment or family circumstances)*

- The following are eligible (after meeting the requirement of residency or an employment contract in Germany):
  - All female employees, including those employed part-time and those working below the statutory social insurance threshold (i.e. earning below €450 per month)
  - Students and pupils
  - Female voluntary workers (voluntary social/ecological year)
  - Self-employed women
  - Asylum seekers
- Students, pupils, women in voluntary work, self-employed women, and asylum seekers receive (only when secured by family or private insurance) a minimum Maternity leave benefit overall of at most €210.

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<sup>3</sup> Since 2006, employers have had to pay a contribution to the mother's health insurance, amounting to approximately 0.2 per cent (the particular amount is assigned by the health insurance) of the gross pay of their female workers (*Umlageverfahren 2*).

*Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother*

- In the case of multiple births, premature births and children born with disabilities, the length of leave increases to 12 weeks after birth, plus Maternity leave days that could not be taken before birth in the case of a premature birth.
- In certain circumstances (e.g. death or chronic illness of the parent), other relatives living with the new-born child may receive the benefit.
- Asylum seekers may not be deported during pregnancy and Maternity leave.

## **b. Paternity leave**

No statutory entitlement<sup>4</sup>.

## **c. Parental leave (responsibility of the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth)**

*Length of leave (Elternzeit)*

- Up to three years after childbirth for each parent, of which 24 months can be taken up until the child's eighth birthday. This is an individual entitlement and non-transferable. It provides parents with employment protection rights during this period.

*Payment and funding (Basiselterngeld/ElterngeldPlus)*

- An income-related benefit is paid if a parent takes full-time or part-time leave. Parents can choose between (or successively combine) two types of leave benefit payments: *Basiselterngeld* and *ElterngeldPlus*.

*Basiselterngeld*

- Replaces a proportion of former income, if parents take leave to care for their child/ren.
- Paid for a period of 12 months after the child is born.
- 'Partner months' (*Partnermonate*): two bonus months are paid on top of the 12 months if both parents take at least two months of leave or for single parents.

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<sup>4</sup> However, German fathers are entitled to two exclusive Parental leave benefit months. Most of the fathers who take up *Elterngeld* use (parts of) these entitlements directly after birth, in a manner similar to Paternity leave (see Section on 'uptake'). The introduction of an original Paternity leave right is currently under way (see section 3 on 'changes in policy').

- Income replacement rate: paid at a level of 65 per cent<sup>5</sup> of the preceding year's net earnings<sup>6</sup>, with a minimum of €300 per month and a maximum of €1,800 per month.
- Flexibility in use: parents can choose to work part-time (up to 32 hours per week)<sup>7</sup>.
- Maternity leave benefits paid during the eight weeks of obligatory Maternity leave following childbirth are deducted, effectively reducing the actual *Basiselterngeld* benefit period available to mothers to ten months (12 for single mothers).
- Parents who have not been working before birth are eligible to receive the minimum rate of €300 per month. However, Parental leave benefits are offset against unemployment benefits. Parents who receive unemployment benefits but who have been employed *before* the birth of the child/ren are entitled to receive up to €300 *Elterngeld* on top of their unemployment benefits.

### *ElterngeldPlus*

- Replaces a proportion of the loss in income if parents reduce their working hours to care for their child/ren.
- Duration: paid for a period of 24 (plus four) months and may be used in the first two years after childbirth.
- Partnership bonus (*Partnerschaftsbonus*): four bonus months are paid if both parents work part-time at least four subsequent months, for 24 to 32 hours per week<sup>8</sup>.
- Income replacement rate: paid at a level of 65 per cent (see footnote 5) of last year's net earnings (see footnote 6) for the lost earnings due to part-time hours – at most, 50 per cent of *Elterngeld* payments, i.e. between a range of €150 and €900.
- Maternity leave benefits paid during the eight weeks of obligatory Maternity leave following childbirth are deducted, effectively reducing the actual *ElterngeldPlus* benefit period available to employed mothers to 22 months.

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<sup>5</sup> Parents with a previous net income between €1,000 and €1,240 per month receive benefits at a rate of 67 per cent and parents with a previous income of €1,240 and higher receive benefits at a 65 per cent rate, up to the limit of €1,800 per month for the parental benefit (*Elterngeld*) payment. Parents with a net income of less than €1,000 per month receive an increased benefit: for every €2 that their monthly earnings are below €1,000, their parental benefit increases by 0.1 per cent. For parents with monthly incomes above €1,240, on the other hand, the income replacement rate is reduced: for every €2 their monthly earnings exceed this sum, their parental benefit decreases by 0.1 per cent, to a minimum rate of 65 per cent. For parents on leave who work part-time during the leave, the income replacement rate is 65 per cent of the difference between the previous year's net earnings before birth and the current earnings after the birth.

<sup>6</sup> The net earnings are estimated with fixed social security reduction rates, calculated on the individual's former gross earnings. Special payments such as holiday pay and Christmas bonuses paid once a year are not considered in the calculation.

<sup>7</sup> As of 1 September 2021, before that it was 30 hours per week.

<sup>8</sup> As of 1 September 2021, before that the range of allowed part-time work was 25-30 hours per week.

- Parental leave entitlements are individual entitlements and both parents can receive their Parental leave benefits at the same time.
- There is a supplementary payment for parents with more than one young child (*Geschwisterbonus*): if there are two children under three years of age, or three or more children under six years of age, or two children of which at least one is disabled and under 14 years of age in the household, the parental benefit is increased by ten per cent (at least €75 per child for *Basiselterngeld* or €37.50 for *ElterngeldPlus*).
- For parents with multiple births, a supplementary payment of either €300 (*Basiselterngeld*) or €150 (*ElterngeldPlus*) per month is paid per additional child.
- Mothers or fathers (if they are the main caregiver) receive pension credits for child-rearing time (*Kindererziehungszeit*) even if they do not make use of Parental leave (parents may decide how pension credits are to be divided). For each child born after 1 January 1992, three years of child-rearing (two years for children born beforehand) are recognised in the pension system. Each year of recognised child-rearing time entails a monthly pension increase of €33.05 in Western Germany and €31.89 in Eastern Germany. Pension credits for child-rearing are currently paid through Germany's contribution-based pension system.
- The *Elterngeld* itself is exempt from taxation, i.e. it is a net benefit with no taxes deducted. However, it is counted when calculating the applicable tax rate ('progression clause'). In effect, the parental leave benefit can lead to being grouped in a higher tax rate class, and thus to higher taxes on the rest of the income.
- The *Basiselterngeld* and *ElterngeldPlus* are funded by the federal government, through general taxation.

#### *Flexibility in use*

- Parents can choose between *Elterngeld* and *ElterngeldPlus* or combine both types of leave.
- Recipients of *Elterngeld* and *ElterngeldPlus* may work up to 32 hours per week. Then, however, they only receive parental benefit for the lost income: i.e., if a parent worked, for example, 40 hours per week before taking Parental leave, and continues working 30 hours per week thereafter, they receive 65 (67 to 100 for lower incomes) per cent of the margin between the present and the former income, in addition to their employment income.
- Both parents are entitled to take leave at the same time and Parental leave can be separated into a maximum of three leave intervals (more intervals are subject to employer approval). However, once the child is over 14 months old and both parents completed their parental benefits, they cannot apply for a new period of parental benefit receipt even if they have not exhausted the maximum length<sup>9</sup>.

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<sup>9</sup> Parents who were 'key workers' during the COVID-19 pandemic (i.e. working in a 'system-relevant' occupation) were entitled to postpone Parental leave benefit months that they wanted to take between 1 March and 31 December 2020 until after the crisis. They can also still take basic parental allowance later, even though their child is older than 14 months.

### *Regional or local variations in leave policy*

- Parental leave legislation is federal. However, two federal states (Bavaria and Saxony) pay a means-tested parental benefit (*Landeserziehungsgeld*) extended to the third year of Parental leave, ranging from €150 to €300 per month and per child. For more information, see 1d. below.

### *Eligibility (e.g. related to employment or family circumstances)*

- Parental leave (*Elternzeit*): all parents gainfully employed at the date of birth. During the Parental leave, parents must not be employed more than 32 hours per week.
- Parental benefit (*Basiselterngeld & ElterngeldPlus*):
  - all parents not employed more than 32 hours per week
  - parents must live in the same household with the child (this includes separated parents with joint custody)
  - other people who take over the care, when parents are ill, disabled, or have died
  - adoptive parents and foster parents
  - self-employed parents
  - same-sex couples
  - parents with a net income equal to or less than €300,000<sup>10</sup> or a single parent with equal or less than €250,000 income
  - citizens of the EU, EWR, and Switzerland if they are employed in Germany or live in Germany (according to EU legislation)
  - citizens of other countries with a permanent residence permit or with a working contract in Germany; asylum seekers are eligible after having lived in Germany for at least three years

### *Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents*

- Grandparents are entitled to Parental leave if their child, i.e. the parent of their grandchild is younger than 18 years of age or if the parent is still in education or vocational training.
- As of 1 September 2021, if a child is born at least six weeks before the due date, parents receive an additional month of parental allowance; if the child is born eight weeks early, there are two additional months of parental allowance, for the case of twelve weeks (three months) and for 16 weeks (four months).

### *Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)*

- Many collective and individual company agreements allow parents to utilise their Parental leave entitlement within 12 years or, in the public sector, within 18 years after childbirth.

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<sup>10</sup> Reduced as of 1 September 2021, before that only parents with a maximum income of €500,000. The income limit for single parents was not reduced.

#### **d. Childcare leave or career breaks**

Two federal states, Bavaria and Saxony, grant cash-for-care allowances (*Landeserziehungsgeld/Familiengeld*), available from the 13<sup>th</sup> month after childbirth and until the child's third birthday. The benefits are paid in addition to other social benefits. In Bavaria, parents get an income-related payment of €250 per month for the first and for the second child, and €300 per month for the third and further children. They are paid under the condition that parents do not use state-subsidized childcare institutions and provide beneficial infant care, e.g. including taking their children to health check-ups. Since January 2020, parents of children aged between one and three years old who attend a state-subsidized childcare centre or family day-care are entitled to a childcare benefit (*Krippengeld*) of up to €100 per child and month. This is capped at €34,000 net household income (€31,000 for single parents, increasing for each additional child by €4,440). In Saxony, parents receive *Landeserziehungsgeld* if they declare they will not use childcare facilities during the second and/or third year after the child's birth under the condition that the recipient does not work more than 30 hours per week during the time the payments are received. Parents get income-related payment of up to €150 per month for the first child, up to €200 for the second, and up to €300 for each additional child. Beginning at a net household income of €24,600 (€21,600 for single parents), payments are successively reduced. This threshold rises per additional child by €3,140.

#### **e. Other employment-related measures**

##### *Time off for the care of dependants*

- In case of the sickness of a child (below 12 years of age), working parents with statutory health insurance (not parents with private health insurance) may each take up to ten days of leave per child (20 days for a single parent). Parents receive 70 per cent of their gross salary during the period of leave, but no more than 90 per cent of their net salary. The maximum annual leave period per working parent is 25 (50) days per year, even in case of three or more children.
- A relative of a care-dependent person is entitled to ten days of short-term leave if that person has an unexpected illness, as well as six months of long-term care leave. Both entitlements are unpaid.
- *Pflegezeit* (caring time) entitles employees with care-dependent relatives to apply for up to ten days of paid leave (over a care-dependent's lifetime) at 90 per cent of their income; a medical certification of care-dependency is required, and the wage replacement is financed by public long-term care insurance. Moreover, employees with care-dependent relatives are entitled to take up to six months of full or partial unpaid caring time. During this period, employees have the legal right to receive an interest-free loan from the Federal Office for the Family and Civil Engagement, in order to compensate for their lost income. *Pflegezeit* does not require the consent of employers.
- *Familienpflegezeit* (family caring time) permits employees, for a period of up to two years, to reduce their working time to a minimum of 15 hours per week, if they need to care for a dependent relative. During this period, the

lower income of employees can be compensated by receiving an interest-free loan from the Federal Office for the Family and Civil Engagement. The loans have to be paid back within 48 months after the start of the leave of absence. The compulsory long-term care insurance covers additional pension contributions during the caring time, if care is given for at least 14 hours per week and employment is limited to a maximum of 30 hours per week. *Familienpflegezeit* is a legal entitlement for employees if they continue to work for at least 15 hours per week.

### *Employment protection*

- During pregnancy and Parental leave, mothers are protected by law against dismissal. Fathers are protected against dismissal during Parental leave, plus eight weeks before their leave period starts.

### *Flexible working*

- Working mothers have a right of 60 to 90 minutes for breastfeeding per day. This time must be fully paid. Mothers who work from home have to be paid the average hourly wage for breastfeeding time.
- Part time leave taking is possible as described above in section 1c.

## **2. Relationship between leave policy and early childhood education and care policy**

The maximum period of post-natal leave is three years, but most of this is unpaid; leave paid at a high rate runs for 12 months, plus two more months if at least two months' leave is taken by each parent. There is an entitlement to Early Childhood Education and Care (ECEC) for all children from the age of one year. Thus, there is no gap between the end of well-paid leave and an ECEC entitlement. The federal law regulating the entitlement to ECEC (SGB VIII) does not specify how many hours of ECEC children are entitled to, but maintains that it can be defined on the basis of need (e.g. full-day care needed according to employment hours). An influential review<sup>11</sup> of this federal law suggested that four hours per day Monday through Friday are the minimum hours necessary to adequately promote the development of one- to three-year-olds and thereby created an almost *de facto* minimum of 20 hours per week. Ten federal states explicitly defined their own mostly longer minimum hours thresholds. Yet, many services in Western German states still do not offer opening hours that allow for the full-time employment (of both parents), while full-day care has remained the norm in Eastern German states.

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<sup>11</sup>[https://www.dijuf.de/files/downloads/2011/2012/DIJuF-These\\_Rechtsanspruch%20U3\\_11-01-2013.pdf](https://www.dijuf.de/files/downloads/2011/2012/DIJuF-These_Rechtsanspruch%20U3_11-01-2013.pdf)



For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

In March 2021, 809,908 children under the age of three were in day care (including children at 'day parents'), equalling 34.4 per cent.<sup>12</sup> Only very few children under the age of one year attend day care. A considerable gap remains between East Germany and West Germany: in East Germany 52.3 per cent of children under the age of three attended day care facilities compared to 30.6 per cent in West Germany. For the age group three years up to six years (mandatory school age), 91.9 per cent of children attended kindergarten in March 2021, and here the difference between West and East Germany was small.

### 3.Changes in policy since April 2021

After September 2021 elections, a new government coalition in Germany was formed in December 2021, consisting of the Social-democratic Party (SPD), the Greens, and the liberal Free Democratic Party (FDP). In their coalition treaty<sup>13</sup>, the government envisaged to introduce changes in family policy, and leave legislation in particular. Those points are described in the following, keeping in mind, however, that their actual enactment and implementation remains unclear for the time being. It can also be highlighted that a particular focus of the new government is on modernising family law, and more gender-sensitive/neutral regulations, so that impetus can be particularly expected in that regard.

- **Right to all-day schooling:** Despite the last two decades' efforts in increasing the availability of full-time schooling in Germany's traditional half-day school system, no right to such a place had been introduced. This was changed by the previous coalition of CDU, CSU and SPD (2017-2021) which decided to gradually introduce a right to all-day schooling, starting with the school year 2026/27. The coalition treaty of the new government foresees to increase the availability of all-day schooling, and to decide upon the implementation of the legal entitlement together with the federal states and municipalities.
- **Maternity leave:** Maternity leave should be made available in the case of miscarriage/stillbirth after the 20th week of pregnancy.
- **Paternity leave:** The coalition treaty foresees the introduction of a two week, paid (Paternity) leave for the partner after the birth of a child. It states that the entitlement shall also be available for single parents. The leave shall also be made available for the case of miscarriage/stillbirth after the 20th week of pregnancy.
- **Parental leave:** The coalition treaty stipulates that the Parental leave legislation should be simplified and digitalised; the partner months of the *Basiselterngeld* shall be prolonged by one month; foster parents should be

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<sup>12</sup> Statistisches Bundesamt (2021): *Kinder und tätige Personen in Tageseinrichtungen und in öffentlich geförderter Kindertagespflege am 01.03.2021*, Wiesbaden: Statistisches Bundesamt. Available at: [https://www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Soziales/Kindertagesbetreuung/\\_inhalt.html#sprg234640](https://www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Soziales/Kindertagesbetreuung/_inhalt.html#sprg234640)

<sup>13</sup> Compare, also in the following, the coalition treaty available at: <https://www.bundesregierung.de/breg-de/service/gesetzesvorhaben/koalitionsvertrag-2021-1990800>

made eligible for the *Elterngeld*; and the regulation for self-employed parents should be reformed. In addition, the minimum payment and maximum payment (ceiling) should be made more 'dynamic', and the job protection after returning from leave should be prolonged by three months.

- **Leave to take care of sick children:** The days available per child and parent should be increased to 15 days, and to 30 days for single parents.

## 4. Uptake of leave

### a. Maternity leave

There is a 100 per cent uptake as it is prohibited to work for eight weeks after birth.

### b. Paternity leave

No statutory leave entitlement.

### c. Parental leave and parental benefit

In 2021, about 1.9 million women and men in Germany received parental benefits. The share of fathers amongst parental benefit recipients overall was 25.3 per cent in 2021 (9,700 fathers more received parental benefit than in the previous year)<sup>14</sup>. 36.9 per cent of eligible mothers and 15.4 per cent of fathers opted for (the longer-paid) *Elterngeld Plus*. The average duration of planned Parental leave for women in 2021 increased to 14.6 months (2019: 14.3 months); and remains significantly higher than the planned duration of Parental leave by fathers, which was 3.7 months in 2021 (as in previous years, i.e. we see no increasing trend in fathers' leave duration)<sup>15</sup>.

The data on the final payments for births in 2018 show that 78.6 per cent of the parents of children born in 2018 who took Parental leave (*Elternzeit*) were employed. 93.4 per cent of fathers with Parental leave benefits were employed and 72.3 per cent of the mothers<sup>16</sup>.

The 2007 Parental benefit reform had the explicit aim to raise fathers' uptake of leave, and recently published data by the Federal Statistics Office<sup>17</sup> show that the proportion of fathers taking parental benefit has risen significantly and steadily since its introduction in that year. For births in 2018, parental benefit was taken up by 42.1 per cent of fathers (compared to 97.9 per cent of mothers); however,

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<sup>14</sup> Statistisches Bundesamt [Federal Statistical Office] (2022) Statistik zum Elterngeld. Leistungsbezüge. Wiesbaden: Statistisches Bundesamt.

<sup>15</sup> Destatis (2022) Press release No. 141 (31 March 2022).

<sup>16</sup> Statistisches Bundesamt [Federal Statistical Office] (2021) *Statistik zum Elterngeld. Beendete Leistungsbezüge für im Jahr 2018 geborene Kinder nach Geschlecht, Erwerbseinkommen vor der Geburt, Bezugsdauer und Ländern*. Wiesbaden: Statistisches Bundesamt.

<sup>17</sup> Statistisches Bundesamt [Federal Statistical Office] (2021) *Statistik zum Elterngeld. Beendete Leistungsbezüge für im Jahr 2018 geborene Kinder nach Geschlecht, Erwerbseinkommen vor der Geburt, Bezugsdauer und Ländern*. Wiesbaden: Statistisches Bundesamt.

there were substantial regional variations amongst the federal states, from only 29.2 per cent in Saarland to 53.5 per cent in Saxony<sup>18</sup>. The mean duration of Parental leave benefit used by fathers of children born in 2018 who took any leave benefits was 3.1 months (compared to the mothers' mean leave of 13.7 months). Whereas the percentage of fathers with Parental leave use increased steadily since the introduction of exclusive entitlements to Parental leave for the second partner in 2006, their mean duration of leave is stagnating in recent years at a mean duration of below four months.

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<sup>18</sup> Statistisches Bundesamt [Federal Statistical Office] (2021) *Statistik zum Elterngeld. Beendete Leistungsbezüge für im Jahr 2018 geborene Kinder nach Geschlecht, Erwerbseinkommen vor der Geburt, Bezugsdauer und Ländern*. Wiesbaden: Statistisches Bundesamt.