The Parliament of the State of Bavaria has decided upon the following law which is hereby announced:

Part One
General Provisions

Article 1 Principle
(1) Everyone shall have the right to peacefully and without bearing arms, gather with others in public.
(2) Excluded from this right are:
1. Those who have forfeited this fundamental right of freedom of assembly according to Article 18 of the Basic Law,
2. Those who seek to promote the objectives of a political party which is declared unconstitutional as per Article 21 (2) of the Basic Law, or a sub-organization or substitute organization of such party by holding or participating in an assembly,
3. Parties which are declared as unconstitutional as per Article 21 (2) of the Basic Law, or
4. Associations which are declared as unconstitutional as per Article 9 (2) of the Basic Law or according to the Law on Associations.

Article 2 Definitions, Scope
(1) An assembly is a meeting of at least two people who join together to collectively discuss or demonstrate, mainly in order to participate in the shaping of public opinion.
(2) An assembly is public if participation is not limited to an individually designated group of people.
(3) This Act only applies to public assemblies, unless otherwise determined.

Article 3 Leadership of an Assembly
(1) 1 The organizer is the leader of an assembly. 2 He may transfer the leadership to a natural person.
(2) If any association organizes an assembly, the person who acts as chair of the association is considered the leader, unless the organizer has transferred the leadership to any different natural person in accordance with the second sentence of section 1.
(3) Section 1 and 2 do not apply to spontaneous assemblies as per Article 13 (4).

Article 4 Rights and Obligations of the Leader
(1) The leader
1. shall determine the course of an assembly, especially by granting the right to speak and directing the speaker to discontinue,
2. shall maintain order during the assembly,
3. may close the assembly at any time, and
4. must be present during the assembly.
(2) 1 The leader may seek the help of a reasonable amount of adult staff to complete his tasks. 2 The staff shall wear white armbands with the label “Staff” (“Orner”); additional labels shall not be allowed. 3 The leader may not engage staff who carry weapons or any other objects which by nature or in consideration of circumstances serve to commit violence against people or objects.
(3) 1 Police officers have the right to access and to be provided with an appropriate position in the assembly
1. at outdoor assemblies, if this is necessary in order to perform their police duties,
2. at indoor assemblies, if there are grounds to suspect a criminal offense or if there is a significant risk to national security.
2 Police officers must identify themselves to the leader; at outdoor assemblies, this applies only to the police’s operational leadership.

Article 5 Obligations of the Participants
(1) Persons who participate in an assembly must follow the leader’s orders intended to maintain order.
(2) Whoever is excluded from an assembly must leave immediately.
(3) If an assembly is dissolved, all those present must disperse immediately.

Article 6 Weapons Ban
People are not permitted
1. to carry weapons or any other objects which by nature serve to and in consideration of circumstances are meant to commit violence against people or objects at an assembly without the permission of the competent authority, or
2. carry any of the above mentioned on their way to an assembly, bring them to or make them available to be used or distributed at an assembly.

Article 7 Ban on Uniforms and Militancy
People are not permitted
1. to wear a uniform, parts of a uniform or similar articles of clothing as an expression of a common political conviction at a public or at a closed assembly, or
2. to participate in a public or closed assembly in such a manner which contributes to characterizing an assembly or parts of it as paramilitary based on its outward appearance, provided that this has an intimidating impact.

Article 8 Ban on Disruptions and Calls
(1) Disruptions with the purpose of preventing the proper realization of a public or closed assembly are prohibited.
(2) It is particularly prohibited
1. to threaten or commit violence or cause major disruption with the purpose of preventing, breaking up or thwarting non-prohibited public or closed assemblies;
2. to express resistance through violent means or threats of violent acts against the leader or the staff while legitimately performing their tasks, or to physically attack them while performing their tasks.
(3) It is prohibited to call for the participation in an assembly which has been prohibited by an enforceable order or which has been ordered to be dissolved, either publically, at a public or closed assembly, on the internet, or through the distribution of writings, sound or image carriers, data storages, images or other kinds of displays.

Article 9 Recording Images and Sounds
(1) The police may only produce image or sound recordings of participants at or in connection with an assembly in a transparent way, and if there are actual grounds to justifiably suspect significant risks to national security or order.
(2) They may also implement such measures, if third persons are inevitably affected.
(3) The police may produce overview images of outdoor assemblies and their surrounding areas in a transparent way in order to guide and direct their operations, if such become necessary in particular cases considering the size and lack of clarity of an assembly.
(4) Overview images may be recorded if there are actual grounds to justifiably suspect significant risks to national security or order deriving from an assembly, from parts of it from its surroundings.
(5) The identification of a person who appears on an overview image or recording is only permitted if the requirements set out in Section 1 are fulfilled.
(6) Image, sound or overview recordings produced according to sections 1 or 2 must be analyzed immediately after the assembly and must be deleted no later than two months after the assembly, provided that they are no longer needed.
1. for the investigation of criminal offenses at or in connection with an assembly, or
2. for an emergency response in a particular case, because the person in question is suspected of having prepared or committed criminal offenses at or in connection with an assembly and might pose a significant danger to future assemblies.
(7) The identification of persons on image, sound or overview recordings must be technically irreversibly excluded unless required for purposes laid down in sentence 1 no. 2.
(8) Image, sound or overview recordings which have not been deleted for the reasons laid down in sentence 1 no. 2 must be deleted no later than six months after production, unless they are now needed for the prosecution of criminal acts according to sentence 1 no. 1.
(9) If overview recordings as per section 2 sentence 2 are needed for police basic or advanced training, an additional version must be produced which irreversibly excludes the identification of displayed persons.
(10) This version may not be used for any other purposes.
The production of such versions for the purpose of police training is only permitted as long as recordings must not be deleted yet according to section 3.

Reasons for the production of image, sound and overview recordings as per sections 1 and 2 and for their intended use as per section 3 sentence 1 subparagraphs 1 and 2 must be documented. If additional versions of overview recordings are produced according to the first sentence of section 4, the need for their use in basic or advanced police training has to be documented as well as the amount of created versions and the place of storage.

The authorizations concerning the collection of personal data according to the regulations of the Code of Criminal Procedures and the Code of Administrative Offenses shall remain unaffected.

Part Two Indoor Assemblies

Article 10 Rights and Obligations of the Organizer

(1) Certain persons or certain categories of persons may be excluded from participation in an assembly if stated in the invitation.

(2) Media representatives may not be excluded. They must identify themselves as media representatives to the leader or to the staff members.

(3) The organizer must provide the last name, first name, birth name and address (personal data) of the leader to the competent authority upon request if there are grounds to suspect that he may pose a risk to the peacefulness of the assembly. The competent authority may reject a leader if the requirements as set out in sentence 1 are fulfilled.

(4) The organizer must provide personal data of a staff member to the competent authority upon request as defined in the first sentence of section 3, if there are grounds to suspect that he may pose a risk to the peacefulness of the assembly. The competent authority may reject a staff member if the requirements as set out in sentence 1 are fulfilled.

(5) The competent authority may urge the organizer to increase the number of staff, if there are grounds to suspect a risk to national security without such increase.

Article 11 Expulsion of Troublemakers, Domiciliary Rights

(1) The leader may exclude participants who significantly disturb the order of the assembly.

(2) The leader is in charge of exercising domiciliary rights.

Article 12 Restrictions, Bans, and Cancellation

(1) The competent authority may order the assembly to be held only indoors or may prohibit it completely, if

1. the organizer does not meet the requirements set out in §1(2),

2. there are facts that demonstrate that the organizer or the leader allow persons to enter the assembly who carry weapons or similar objects as per §6 on their body,

3. there are facts that demonstrate that the organizer or his followers intentionally aspire for violent developments to take place at the assembly, or

4. there are facts that demonstrate that the organizer or his followers share certain views or tolerate certain statements which refer to a crime or an offence which requires prosecution.

(2) The competent authority may restrict or dissolve an assembly giving proper justification after it has started, if

1. the organizer meets one of the requirements stated in §1(2),

2. the assembly takes a violent turn or there is serious risk to life or health of the participants,

3. the leader does not immediately exclude persons who carry weapons or similar objects as per §6 on their body and does not ensure their actual expulsion, or

4. criminal laws, which refer to a crime or an offence which requires prosecution, are violated in the course of an assembly, or participants are called to or provoked to commit such crimes without the leader taking any immediate measures to prevent them.

An assembly may only be dissolved in cases such as mentioned in sentence 1 subparagraphs 2 to 4, if other measures of the competent authority, especially an interruption, provide to be insufficient.

Part Three Outdoor Assemblies

Art. 13 Obligation to Notify and to Inform

(1) Whoever plans to organize an outdoor assembly must notify the competent authority at least 48 hours prior to its announcement by phone, in writing or by email, or transcription.

2 The calculation of such deadline shall not include Saturdays, Sundays and public holidays.
3In case of a notification by phone, the competent authority may demand an immediate declaration in writing, by email or declared for recording as well. 4A notification cannot be made earlier than two years prior to the planned start of the assembly. 5The announcement of an assembly in this case refers to the organizer passing out information regarding the place, time and topic of an assembly to a defined or undefined group of people. 

(2) 1The announcement has to provide information regarding
1. the place of the assembly,
2. the planned beginning and end of the assembly,
3. the topic of the assembly
4. the organizer and the leader including their personal data as set out in the first sentence of §10(3) as well as
5. in the case of a moving assembly, the intended route.
2The organizer must immediately inform the competent authority about any major changes as per sentence 1.

(3) In case of a sudden reason for a planned assembly (spontaneous demonstration), the competent authority or the police must be notified at the latest at the time the announcement is made, either by phone, in writing, by email or transcription.

(4) The obligation to notify does not apply if the assembly develops unplanned for an immediate reason without any organizer being involved (spontaneous assembly).

(5) The competent authority may reject a leader if there are grounds to suspect that he may pose a risk to the peacefulness of the assembly.

(6) 1The organizer must provide the competent authority upon request with a staff member’s personal data as set out in the first sentence of §10(3), if there are grounds to suspect that he may pose a risk to the peacefulness of the assembly.
2The competent authority may reject a staff member if the requirements as set out in sentence 1 are fulfilled.

(7) The competent authority may request the organizer to increase the number of staff, if there are grounds to suspect a risk to national security without such increase.

**Article 14 Cooperation**

(1) 1The competent authority shall give organizers the opportunity to explain details concerning the procedure of an assembly. 2The organizer is not obliged to cooperate.

(2) In all measures set out in §15, the relevant authority may consider how far the organizer or the leader is cooperating with the authority as per section 1.

**Article 15 Restrictions, Prohibitions, and Dissolutions**

(1) The competent authority may decide according to the circumstances evident at the time of the granting of the injunction to put limits on or prohibit an assembly in cases as set out in §12(1), or if holding the assembly poses a significant risk to national security.

(2) The competent authority may particularly put limits on or prohibit an assembly if according to the circumstances evident at the time of the granting of the injunction
1. the assembly is intended to take place on a day or at a place with a strong symbolism in regards to the tyranny and despotism of the National Socialist regime, and
   a) may harm the dignity of the victims, or
   b) may pose an immediate danger of causing a serious violation of fundamental social or ethical views, or
2. will approve of, glorify, justify or play down the tyranny and despotism of the National Socialist regime also by commemorating the leading representatives of the National Socialist regime, and will therefore immediately endanger the dignity of the victims.

(3) Measures as per section 1 or 2 must be taken in good time before the start of an assembly.

(4) The competent authority may put limits on or prohibit an assembly after it has started if the requirements as set out in section 1 or 2 are fulfilled or if judicial restrictions are not respected.

(5) The competent authority may exclude participants who significantly disturb the order of the assembly.

(6) A prohibited assembly shall be dissolved.

**Article 16 Ban on Defensive Arms and Face Coverings**

(1) Whoever moves towards or participates in an assembly or any other public event held outdoors may not carry defensive arms or any other objects that in consideration of circumstances serve to fend off enforcement measures applied by the authority deploying state powers.

(2) A person shall also not
1. use clothing that serves to and may in consideration of circumstances be intended to prevent the ascertaining of a person’s identity during the participation in or moving towards such an assembly,
2. carry objects which by nature serve to and may in consideration of circumstances be intended to prevent the ascertaining of a person’s identity, or
3. join together with others at the end of or in connection with such an assembly in order to disturb social peace and
   a) carry weapons or any other objects which by nature serve to and in consideration of circumstances are intended to commit violence against persons or objects,
   b) carry defensive arms or any other objects mentioned in subparagraph 2, or
   c) present oneself using clothing as set out in subparagraph 1.
(3) The competent authority may allow exceptions to the regulations set out in sections 1 and 2 if there are no grounds to suspect any danger to national security and order.
(4) Sections 1 and 2 shall not apply to open-air church services, religious processions, silent processions of supplication, pilgrimages, common funerals, wedding processions and traditional public festivals.
(5) The competent authority may exclude persons from an assembly who act against the prohibitions set out in sections 1 and 2.

Part Four Restricted Areas
Article 17 Restricted Areas
1A restricted area is established around the parliament of the State of Bavaria. 2The restricted area around the parliament building comprises the following area of Munich, the state capital: Max-Weber-Platz, Innere Wiener Straße, Wiener Platz, Am Gasteig, Ludwigsbrücke, west shore of the Isar, Prinzregentenbrücke, southern roundabout at the Friedensengel, Prinzregentenstraße, Ismaninger Straße, Max-Weber-Platz. 3The mentioned streets and plazas are not considered part of the restricted area.

Article 18 Protection of the Parliament
1Outdoor assemblies shall not take place within the restricted area. 2It is also prohibited to prompt others to hold an assembly as per sentence 1.

Article 19 Authorization of Assemblies
(1) The competent authority may permit non-prohibited outdoor assemblies to be held within the restricted area.
(2) Applications for the authorization of assemblies as per section 1 must be registered with the Bavarian State Ministry of the Interior, for Construction and Transport either in writing, by email or transcription no later than seven days prior to their announcement. 2The rules set out in §13(2) and (3) shall apply accordingly.
(3) The Bavarian State Ministry of the Interior, for Construction and Transport decides on the application for authorization in consultation with the president of the Bavarian State Parliament.
(4) The other provisions of this law shall not be affected by an authorization; this especially refers to §§13-15.

Part Five Provisions on Penalties and Fines
Article 20 Penal Provisions
(1) Whoever
   1. in violation of §6 carries, holds ready or distributes weapons or any other similar objects as described in this law to an assembly,
   2. in violation of the first subparagraph of §8(2) commits or threatens with acts of violence or causes a significant disruption,
   3. in violation of the third subparagraph (a) of §16(2) joins with others in order to disturb social peace carrying weapons or any other similar objects as described here,
   shall be punished with imprisonment of up to two years or a fine.
(2) Whoever
   1. employs staff in violation of the third sentence of §4(2),
   2. in violation of the second sentence of §8(2) expresses resistance against or physically attacks any person mentioned here,
   3. calls for the participation in an assembly in violation of §8(3) or §18(2),
   4. being the organizer or leader of an assembly, violates an enforceable order as set out in §12(1) or the first sentence of (2), §15(1), (2) or (4) or a judicial restriction,
   5. carries defensive arms or any other similar object in violation of §16(1),
   6. moves towards or participates in an assembly in violation of the first subparagraph of §16(2),
   7. in violation of the third subparagraph of §16(2) joins with others in order to disturb social peace and in doing so acts against the prohibitions set out in the third subparagraph (b) or (c) of §16(2)
   shall be punished with imprisonment of up to one year or a fine.
Article 21 Fine Regulations
(1) The following persons shall be punished with a fine of up to 3,000.00 euros:
1. Leaders who in violation of the first sentence of §4(1) do not grant police officers access to the assembly or do not provide police officers with an appropriate position in the assembly,
2. Persons who in violation of §7(1) wear a uniform, parts of a uniform, or similar articles of clothing,
3. Persons who in violation of the first sentence of §10(2) exclude media representatives,
4. Organizers who employ persons as leaders who have been rejected by the competent authority in accordance with the second sentence of §10(3) or §13(5),
5. Organizers who employ staff members who have been rejected by the competent authority in accordance with the second sentence of §10(4) or the second sentence of §13(6),
6. Persons who violate an enforceable order as set out in the first sentence of §12(1) or (2), §15(1), (2) or (4) or a judicial restriction,
7. Organizers or leaders who are holding an outdoor assembly which does not fulfill the requirements as set out in §13(4) without previous notification in accordance with the first sentence of §13(1) or (3),
8. Persons who in violation of the first paragraph of 16(2) carry a relevant object, or
9. who in violation of the first sentence of §18 participate in an assembly as specified here.
(2) The following persons shall be punished with a fine of up to 500.00 euros:
1. Leaders who employ staff members who are labeled differently than set out in the second sentence of §4(2),
2. Persons who in violation of §5(2) do not immediately leave an assembly,
3. Persons who in violation of §5(3) do not immediately vacate an assembly,
4. Persons who in violation of §8(1) continue to disturb an assembly despite repeated warnings by the leader or a staff member,
5. Organizers who in violation of the first sentence of §10(3) do not (correctly) report personal data, or
6. who do not notify the competent authority, thereby violating the second sentence of §13(2).

Article 22 Confiscation
1. The competent authority may confiscate objects which pertain to a crime as per §20 or to an administrative offense as per §21(1) no. 6, 8 or 9, or section 2(4).
2. §74a of the Criminal Code and §23 of the Code of Administrative Offenses shall be applied.

Part Six Final Provisions
Article 23 Restriction of Fundamental Rights
The fundamental rights to freedom of assembly (§8(1) of the Basis Law, §113 of the Constitution) and to freedom of speech (first sentence of §5(1) of the Basic Law, first sentence of §110(1) of the Constitution) shall be restricted by the stipulations of this law.

Article 24 Jurisdictions
(1) Police within the meaning of this law refers to the police as described in §1 of the PAG [Law on the Functions of the Police Forces].
(2) 1. The competent authorities within the meaning of this law refer to the local authority. 2. The police may take measures once an assembly has started as well as in urgent cases.
(3) 1. The organizer fulfills his obligation to notify in the case of an outdoor assembly which takes place in more than one district (translocal assemblies) by registering it with only one relevant local authority. 2. This shall not apply in the case of spontaneous demonstrations as per §13(3). 3. The local authority shall immediately notify any other affected local authority as well as the government; in the case of an assembly that takes place in more than one administrative region, the local authority shall notify the Bavarian Ministry of the Interior, for Construction and Transport.
(4) 1. In the case of supra-local assemblies, the government may determine that one relevant local authority as per sentence 1 of section 2 shall decide on any orders in accordance with §6, the third sentence of §13(1) and (5)-(7), §15 and §16(3) in agreement with the other local authorities.
2. In the case of supra-local assemblies, which take place in more than one administrative region, the Bavarian Ministry of the Interior, for Construction and Transport, can decide on any of these orders.

Article 25 Claims Shall Not Have a Suspensory Effect
Actions brought against decisions based on this law shall not have a suspensory effect.
Article 26 Costs
Administrative acts in accordance with this law are free of charge, with the exception of decisions on authorizations under §6.

Article 27 (annulled)
Article 28 Entry into Force, Abrogation, Transitional Regulation
1 This law enters into force on 1 October 2008. It replaces in accordance with sentence 2 of §125a(1) of the Basic Law the Law on assemblies and processions (Assembly Act) in the version published on 15 November 1978 (BGBl I p. 1789), as amended most recently by §1 of the Law of 24 March 2005 (BGBl. I p. 969).
Munich, 22 July 2008

The Bavarian Prime Minister
Dr. Günther Beckstein