

INFORMATION ABOUT THE BACO-90 PROCESS PROVIDED BY DOCPER

The BACO-90 process is an entirely German government process. DOCPER is not involved in it, but makes the form available on the DOCPER website as a courtesy. The link to the website which also provides TDY related FAQs can be found in my signature block.

➤ **GENERAL INFORMATION**

The BACO-90 is an effective tool to get contractors in theatre to support the US Forces on a temporary basis. This mechanism can be used by US citizens working under a DOD contract in Germany.

The BACO-90 can help with two issues: 1) obtaining German government approval for DOD contractors to work here in Germany (avoiding immigration violations, and possibly tax issues), and 2) simplifying US installation access. All contractors coming to Germany to support the US Forces need to receive from the German government some form of “legal approval” for them to work here, and the BACO-90 specifically provides this.

BACO-90 is an entirely German process managed by the Bundesagentur für Arbeit (BA)/Federal Employment Agency in Stuttgart. It allows the contractor employee to work in a temporary duty (TDY) status for periods not to exceed 90 days in a 12-month period starting with the first day of entry into Germany/Schengen Zone and ending with the date of exit. Please be aware that BACO-90 does not authorize individual logistical support (ILS) nor NATO SOFA privileges.

Also please note that any SPOT/LOA documents for contractor employees are essentially invalid in Germany (and Italy) because a specific SOFA governing ILS is in place. Thus SPOT/LOA documents cannot convey ILS nor NATO SOFA status here.

➤ **INFORMATION ABOUT NEW PROCESS COMPLYING WITH DATA PROTECTION LAW**

In general we provide following information about the options for BACO-90 request submissions to the Bundesagentur für Arbeit (BA):

In January 2019 the Bundesagentur für Arbeit (BA) in Stuttgart changed the BACO-90 process to comply with the European data protection laws. Due to European General Data Protection Regulation (EU-GDPR) and Germany’s Federal Data Protection Act (BDSG), the BA is NOT authorized to exchange personal data in UNENCRYPTED emails!

The registration with the encryption system proposed by the BA causes technical problems for many companies. The BA (as well as DOCPER) is flooded with cries for help.

DOCPER, however, cannot really provide any technical support. BACO-90 is an entirely German process managed by the Bundesagentur für Arbeit (BA) in Stuttgart. However, DOCPER makes the BACO-90 form (update January 2019) and instructions available on the DOCPER website (link in my signature block below) and tries to help in case of procedural questions.

Please try to do the following:

➤ ****ENCRYPTED COMMUNICATION****

Try to register with the BA proposed encryption system. You need to [request an invitation from the BA via email \(Stuttgart.007-OS@arbeitsagentur.de\)](mailto:Stuttgart.007-OS@arbeitsagentur.de).

If you need help, please contact:

IT-Systemhaus.Vertrauensdienste@arbeitsagentur.de

<mailto:IT-Systemhaus.Vertrauensdienste@arbeitsagentur.de>

Note that you can only register at the email address for which you have received an "invitation" from the BA. You will then receive a link ("invitation") from the BA under which you can register.

Further information can be found on the BA's Instructions for Encryption (attached).

➤ ****UNENCRYPTED COMMUNICATION****

If this does not work, submit the BACO-90 form unencrypted. Please also authorize the BA in writing to proceed the BACO-90 confirmation unencrypted. Use the newest BACO-90 request form (December 2019). Answer the question "I declare that I agree with an unencrypted transmission of data" with "YES" if you agree with an unencrypted answer/confirmation from the BA. The BA will then return the signed and stamped BACO-90 confirmation unencrypted via email.

If this does not work, try to submit the BACO-90 request form via

FAX: 011 49 711/920-3234 (from the US to Germany) or 0711/920-3234 (from Germany).

In case an immediate BACO-90 response is required from the BA you should use the unencrypted communication (see proposals 2 and 3) as it may be a technical challenge to get the certificates for the encrypted email exchange set up in a timely manner.

➤ **BACO-90 PROCESSING TIME**

The German authorities require 10 German business days' processing time once they receive an (encrypted) application. As they now also required an exchange of certificates in order to be able to exchange encrypted emails, we recommend that you plan on the process of obtaining the invitation and review of your blank reply email to take another 10 German business days. Thus, we strongly recommend that you begin the BACO-90 submission process one month before the first travel date for the employee(s). As a reminder, BACO-90 is an entirely German process for which we make the form available on our website.

Additional information regarding the BACO-90 process is available on our website.

Respectfully,

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➤ DOCPER Website: <http://www.eur.army.mil/Contractor/>