

## 1. Introduction

The Act Introducing a Lobbying Register for the Representation of Special Interests vis-à-vis the German Bundestag and the Federal Government, or **Lobbying Register Act** (*Lobbyregistergesetz*), of 16 April 2021 entered into force on 1 January 2022. It was **amended** by the Act Amending the Lobbying Register Act of 15 January 2024, with effect from **1 March 2024** (the current version of the Act can be found in *Annex 1*).

**All natural persons, companies and organisations** which make contact with the German Bundestag or the Federal Government for the purpose of influencing political processes, or commission such contact to be made, must enrol in the Lobbying Register if their activity exceeds a threshold of significance defined in the Act and if none of the exemptions established by the Act apply. It is also possible to register voluntarily.

Any failure to comply with an obligation to register, or a failure to make, change, update or confirm an entry correctly, completely or in good time, constitutes a **regulatory offence** which can be punished with a **fine of up to EUR 50,000**.

Representing social and economic interests vis-à-vis policy-makers is essential in a democratic society, and the Lobbying Register aims to ensure greater transparency about this process. It creates **structural transparency and – for the first time – full transparency in substantive terms as well**, and it is intended to play a part in strengthening public trust in politics and the legitimacy of the process of formulating aims and taking decisions in Parliament and within the government.

Another key function of the Lobbying Register is to give the **addressees of the representation of special interests at the German Bundestag and within the Federal Government** more detailed information about the representatives of special interests who contact them. The entry in the Lobbying Register gives the addressees of the representation of special interests information about the person contacting them, the structure of the representation of special interests behind that individual, and the aims of their representation.

Representatives of special interests must therefore **make many particulars public**: both regarding the individual or organisation concerned, any clients whose interests are being represented, and the human resources and financial expenditure associated with the representation of special interests. They are also required to disclose the subject of their representation of special interests by stating their areas of interest, the **specific regulatory proposals** regarding which they are engaged in the representation of special interests, and the **essential comments and expert opinions** they have submitted in relation to these proposals.

When enrolling in the Lobbying Register, representatives of special interests also accept a **Code of Conduct** which requires them to uphold the principles of openness, transparency, honesty and integrity, and establishes rules for making contact with Members of the Bundestag and members of the Federal Government (*Annex 2*). Infringements of the Code of Conduct are published in the Lobbying Register.

Together, the Lobbying Register Act and the Code of Conduct create a **regulatory framework** for interactions between policy-makers, businesses and civil society.

**Registration** in the German Bundestag's electronic Lobbying Register takes place on the German Bundestag's website at:

[www.bundestag.de/lobbyregister](http://www.bundestag.de/lobbyregister)

or

<https://lobbyregister.bundestag.de>

The **registration process** is intended to be as self-explanatory as possible.

This **handbook** provides **additional assistance**, leading you **step by step** through the process of creating an entry in the Lobbying Register.

The **handbook is lengthy** because it aims to answer as many questions as possible that might arise during the registration process for the various kinds of representation of special interests that the registry has identified in the course of providing advice and information.

The handbook also aims to cut down on the need to contact the **registry's telephone hotline (+49 (0)30-227-37555)**.

Many parts of the handbook can simply be **skipped** if they are not relevant to you. For example, you can go straight to section [3](#) if you are already sure that registration should definitely take place. You can also skip the various **special cases** covered in indented passages of the handbook if they are not relevant to your entry.

Please note that the **registration process** can take some time even if you have all the data you are required to enter, as the particulars have to be confirmed by the signature of the representative of special interests or a person in a managerial position. In addition, a **release code** has to be entered to complete the process, and this code is sent by post. This allows fake entries to be prevented for the most part.

If you need information or help during the registration process for the Lobbying Register, please contact the **registry**. If you encounter any technical problems during the registration process, or come across points which are unclear in the handbook or on the website, you are welcome to report them to the registry as well. Its contact details are as follows:

**German Bundestag  
Division ZR 4 – Lobbying Register  
Platz der Republik 1  
11011 Berlin**

**Email:** [lobbyregister@bundestag.de](mailto:lobbyregister@bundestag.de)

**Tel.:** +49 30 227-37555

## 2. Obligation to register / voluntary registration

Section 2 (1) of the Lobbying Register Act establishes an **obligation to register** for representatives of special interests if certain statutory conditions are met.

According to section 1 (3) of the Act, representation of special interests means **any contact made for the purpose of directly or indirectly influencing the process of formulating aims or taking decisions conducted by the bodies, panels, Members, parliamentary groups or groupings of the German Bundestag or the Federal Government.**

### 2.1 Representatives of special interests

Representatives of special interests, within the meaning of the Act, are all **natural or legal persons, partnerships or other organisations, including those in the form of networks, platforms or other forms of collective activities**, which engage in the representation of special interests **themselves**, or **commission** such representation on their behalf. It makes no difference whether the representative of special interests lives or has their registered office in **Germany or abroad**.

#### 2.1.1 Natural persons

Natural persons are representatives of special interests within the meaning of the Lobbying Register Act if they engage in the representation of special interests themselves or commission such representation on their behalf (e.g. as **self-employed business consultants, registered sole traders or individual activists**). If a natural person engages in the representation of special interests themselves, the question of whether they are representing their own interests or representing special interests on behalf of others plays no role in whether they are required to register.

People acting as (statutory) representatives or employees of a legal person, partnership or other organisation or as an “entrusted person” in the area of responsibility of a legal person, partnership or other organisation, and who engage in the representation of special interests on behalf of the legal person, partnership or other organisation, are **not considered to be independent representatives of special interests** by the Lobbying Register Act, and are therefore **not required to enrol personally in the Lobbying Register**. In these cases, the legal person, partnership or other organisation is considered the representative of special interests and is to be enrolled in the Lobbying Register. The organisation then specifically names the natural persons engaging directly in the representation of special interests for the organisation (for more information about the representation of special interests by “entrusted persons”, see section [5.2.1.2](#) and section [5.2.2.3](#)).

#### 2.1.2 Legal persons, partnerships or other organisations

Legal persons, partnerships or other organisations, including those in the form of networks, platforms or other forms of collective activities, are representatives of special interests within the meaning of the Lobbying Register Act if they engage in the representation of special interests not as an individual natural person.

This includes **companies** and **associations**, for example, but also **alliances that have no legal form and that cannot be classified along typical organisation lines** (e.g. platforms, networks, interest groups, think tanks, initiatives or alliances for action).

**All forms of collective representation of special interests** are covered by the list in the Act. Alliances of persons who **act as a unit** in their dealings with addressees of the representation of special interests or in public are therefore also subject to the obligation to register if the legal requirements of the Lobbying Register Act apply.

For example, **alliances or initiatives** can also be subject to the obligation to register if people act as a unit in their dealings with addressees on behalf of the alliance or initiative. By contrast, purely internal discussion groups are not subject to an obligation to register if they exist solely to agree on a joint position and do not make contact with addressees at the German Bundestag or within the Federal Government.

### ***Special case: Group of affiliated companies***

*Due to the **principle of separability** in German law, groups of affiliated companies or other groups of undertakings are not obliged to enrol in the Lobbying Register. Only the individual, independent group companies have to register where applicable.*

***The parent and subsidiary companies are therefore to be considered separately in the Lobbying Register. Each company in the group must be registered separately if it engages independently in the representation of special interests and if the legal requirements for an obligation to register are met.***

*If the parent company or a subsidiary company (also) represents the interests of the group as a whole or those of its companies, a commissioning relationship usually does not exist between the companies directly engaged in the representation of special interests and the other companies in the group. Unlike when a third party is commissioned to represent interests that are not their own, the companies in a group generally have (broadly) aligned interests.*

*In these cases, only the group company which directly makes contact with the German Bundestag or the Federal Government should be entered in the register. The entry for that group company must also take into account any financial expenditure incurred by other group companies for the joint representation of special interests. In addition, for transparency reasons, the description of the activity carried out for the purpose of representing special interests (see section 3 (1) no. 4 of the Lobbying Register Act) should indicate that the representation is related to a group of affiliated companies.*

*However, group companies must additionally register as clients of a representation of special interests in (specific) cases where the interests are not aligned and the group company which is engaging directly in the representation of special interests is representing interests that are not its own, like a commissioned third party.*

**Example:**

*A commissioning relationship exists if a group company located in Germany which manufactures and sells specific products lobbies the Federal Government to lift import or export restrictions for entirely different products which are manufactured and sold by another company in the group.*

*If the business model of a group of affiliated companies consists of representing the interests of third parties, as is often the case for consultancies or lobbying agencies, for example, then the group is not representing its own interests, but rather the interests of a third party. An obligation to register therefore applies both to the subsidiary companies which directly engage in the representation of special interests for the third parties in question, and to the group company which has been commissioned by a third party and passes the commission on to other companies within the group.*

*In this case, a commissioning relationship exists both between the third party and the commissioned group company, and between the commissioned group company and the group company/companies to which the commissions are passed on for implementation.*

**Example:**

*If the parent company of a consultancy group abroad is commissioned to represent special interests vis-à-vis the German Bundestag or the Federal Government, for example by a company or another organisation or a foreign government agency, and if the parent company passes on this commission to a subsidiary company located in Germany which directly carries out the representation of these interests, then both the subsidiary which directly represents the special interests and the parent company which received the original commission are required to register.*

## 2.2 Obligation to register

Representatives of special interests as described above are required to enrol in the Lobbying Register, under section 2 (1) of the Lobbying Register Act, if the conditions specified in section 2 (1) nos. 1 to 5 of the Act are met and none of the exemptions set out in section 2 (2) or (3) of the Act apply.

If a representation of special interests is subject to an obligation to register, section 2 (1), second sentence, of the Lobbying Register Act requires the **registration in the Lobbying Register** to be carried out **without undue delay**.

All representatives of special interests who are not subject to an obligation to register may enrol in the Lobbying Register **voluntarily**, in accordance with section 2 (5) of the Lobbying Register Act. In the case of voluntary registration, it is still mandatory to provide the particulars specified in section 3 (1) and (2) of the Act in the Lobbying Register and to comply with the time limits for entering changes and for updating entries that are set out in section 3 (3) of the Act. The relevant provisions on fines contained in section 7 of the Lobbying Register Act also apply here.

Before beginning the registration process, you should therefore examine whether the statutory conditions for registration are met and whether or not an obligation to register exists. You may find it helpful to take a **four-step approach** and answer each of the following questions in turn:

### **Specific process:**

#### **Step 1:**

Is representation of special interests within the meaning of the Lobbying Register Act carried out?

#### **Step 2:**

Is there an obligation to register?

#### **Step 3:**

Does an exemption from the obligation to register apply?

#### **Step 4:**

If you answered yes to the question in Step 1, and either no to the question in Step 2 or yes to the question in Step 3: Is voluntary registration an option?

### 2.2.1 Is representation of special interests within the meaning of the Lobbying Register Act carried out? (Step 1)

According to section 1 (3) of the Lobbying Register Act, representation of special interests means any contact made for the purpose of directly or indirectly influencing the process of formulating aims or taking decisions conducted by the bodies, panels, Members, parliamentary groups or groupings of the German Bundestag or the Federal Government.

### 2.2.1.1 Addressees of the representation of special interests

“Addressees” within the meaning of the Lobbying Register Act are the people and groups specified in section 1 (1) and (2) of the Act.

*Bodies of the German Bundestag for the purposes of the Lobbying Register Act are the **President of the Bundestag and the Vice-Presidents**, the **Presidium**, the **Council of Elders**, the **plenary**, the **permanent committees and special committees**, the G 10 Commission, as well as the Parliamentary Commissioner for the Armed Forces, the Federal Parliamentary Commissioner for the Victims of the SED Dictatorship, and the Parliamentary Commissioner for the Federal Police Authorities.*

*Panels of the German Bundestag for the purposes of the Lobbying Register Act are all subdivisions of the German Bundestag that are established by the Bundestag and which carry out preliminary work or take decisions on behalf of Parliament, e.g. study commissions, the Parliamentary Oversight Panel, the Parliamentary Advisory Council on Sustainable Development, the Federal Finance Panel, the Committee for the Scrutiny of Acoustic Surveillance of the Private Home, and the ZfdG Panel (panel set up under section 90 of the Customs Investigation Service Act).*

*Members of the German Bundestag are the elected Members of the Bundestag in the current electoral term.*

*Parliamentary groups of the German Bundestag are associations of at least five per cent of the Members of the Bundestag which pursue similar political aims and have certain rights of their own.*

*Groupings of the German Bundestag are associations of Members of the Bundestag which do not reach the necessary size for the formation of a parliamentary group, and which are recognised by the Bundestag.*

*Under section 1 (2), first sentence, of the Lobbying Register Act, the regulations for the representation of special interests vis-à-vis the bodies, panels, Members, parliamentary groups or groupings of the German Bundestag also apply to **contact with their employees**.*

*The Federal Government consists of the **Federal Chancellor** and the **Federal Ministers**, in accordance with Article 62 of the Basic Law (Grundgesetz), the German constitution.*

*Under section 1 (2) of the Lobbying Register Act, the regulations relating to the Federal Government also apply to **Parliamentary State Secretaries, State Secretaries, Heads of Directorates-General, Heads of Directorates, and Heads of Division**.*

*The regulations do not cover employees of Federal Ministries below the level of Head of Division, or employees of executive agencies of the Federal Ministries.*

### 2.2.1.2 Contact made for the purpose of influencing the process of formulating aims or taking decisions

Contact means any **active activity** which results or is intended to result in communication with addressees of the representation of special interests as defined in section 1 (1) and (2) of the Lobbying Register Act.

Contact can be made through a personal meeting, a telephone call, an email or a letter, for example. Attempts to bring about communication, irrespective of whether or not they are successful, are already considered to be instances of making contact. Sending an email also constitutes a contact, irrespective of whether or not the addressee acknowledges it.

By contrast, communications instigated by addressees of the representation of special interests as defined in section 1 (1) and (2) of the Lobbying Register Act, i.e. by bodies, panels, Members, parliamentary groups or groupings of the Bundestag or by the Federal Government, do not constitute contacts for the purposes of the Act.

Activities which are directed at the general public (e.g. publications or public statements) and which do not explicitly address the addressees defined in section 1 (1) and (2) of the Lobbying Register Act likewise do not constitute contacts for the purposes of the Act.

The addressing of addressees by publicly tagging people as part of public communication on social networks is regarded as a sufficiently low-threshold form of communication that it is not considered to be a contact for the purposes of the Act.

For an activity to constitute a contact, its **purpose** must be to **influence the process of formulating aims or taking decisions** of the addressees of the representation of special interests. It is not necessary for there to be a connection to a formal process which is already ongoing. Processes of formulating aims or taking decisions can be influenced even before formal processes begin. In addition, influencing the process of formulating aims or taking decisions does not have to be the only purpose for making contact.

#### Important note

**An obligation to register exists irrespective of whether the representation of special interests relates to specific regulatory proposals** (regarding the information to be provided about regulatory proposals, see section [5.8.1](#)).

Contact can be made for the purpose of exerting influence directly or indirectly.

*Direct influence means that the representative of special interests directly seeks to influence the addressee in relation to a specific process of formulating aims or taking decisions, for example by sending the addressee concrete proposals for changes to a specific piece of draft legislation.*

*Indirect influence can mean that the influence takes place with the **involvement of one or more intermediaries**. Intermediaries are people who are independent of*



*the person exerting influence (in other words, not employees, members or persons commissioned by them), via whom the person in question seeks to exert influence.*

**Example:**

*The attempt to make contact takes place via third parties, for example through an organised letter-writing campaign in which members of the public are used as intermediaries for a pre-drafted message. Participants in this kind of campaign are not themselves covered by the Act.*

*Indirect influence is also exerted in situations where contact is made to establish or enhance the **basis, conditions or options for exerting direct influence at a later date**. In other words, in this case there is no attempt to directly influence an actual ongoing process of formulating aims or taking decisions or to initiate such a process. Instead, these kinds of instances of exerting indirect influence are often intended to establish contacts and build trust as a first step, in order to pave the way for or facilitate direct influence at a later date.*

**Example:**

*If an interest group invites Members of the Bundestag to a parliamentary evening for the purpose of cultivating contacts, this may constitute an instance of exerting indirect influence.*

### **2.2.1.3 Commissioned representation of special interests**

Under section 1 (4) of the Lobbying Register Act, representatives of special interests are not only all natural persons or legal persons, partnerships or other organisations which engage in the representation of special interests themselves, as defined in section 1 (3) of the Act, but also those which **commission** such representation on their behalf.

*Representation of special interests is commissioned when a representative of special interests does **not** directly or indirectly influence the process of formulating aims or taking decisions **themselves** (in the case of organisations, when this is not carried out by the organisation's representatives or employees), but rather commissions a **third party** to represent special interests on their behalf. For example, this is the case when a company commissions a consultancy to represent its interests vis-à-vis policy-makers.*

*A **contractual relationship between the representative of special interests and the third party** is required in such cases. This does **not** need to be a **written contract, nor does it necessarily have to be explicit**. Providing compensation (for example in the form of monetary payments) to the third party for the representation of interests is not absolutely necessary for a contractual relationship to exist. However, it can be an indication that the representation of interests is commissioned.*

### ***Special case: Interest groups***

*If several companies in a branch of industry or several civil-society organisations join together as an interest group, or if several interest groups join together as an umbrella organisation tasked with representing the joint interests of all of the members, this often takes the form of an association. Simply being a member of such an interest group does not automatically constitute a commissioning relationship between the member and the association.*

*The members of an association – unlike the association itself – therefore do not need to enrol in the Lobbying Register unless, separately from their membership of associations, they also engage in or commission the representation of special interests on their own behalf.*

#### **2.2.1.4 No registration unless representation of special interests takes place**

If a natural person, legal person, partnership or other organisation does not itself engage in the representation of special interests, as defined by the Lobbying Register Act, or commission such representation on its behalf, **it may not enrol in the register.**

In this case, if an admin account has already been set up with the intention of creating an entry in the Lobbying Register, and the entry process has already been started, it must be cancelled. The admin account can then be deleted by the administrator. The account is automatically deleted after 56 days of inactivity.

#### **2.2.2 Is there an obligation to register? (Step 2)**

Not every representation of special interests, as defined in the Lobbying Register Act, that is carried out or commissioned gives rise to an obligation to register. There is only an obligation to register if one of the **thresholds of significance** set out in section 2 (1) of the Act is exceeded.

The second step is therefore to examine whether the activity of the representative of special interests meets **at least one** of the **five (alternative) conditions** below, set out in section 2 (1) nos. 1 to 5 of the Act. It is possible for multiple conditions to be met.

- **Is the representation of special interests carried out on a regular basis?**

*The representation of special interests is carried out on a regular basis if it is **more than occasional in nature**. In other words, multiple contacts must have been made within a limited period of time. Representation can normally be assumed to be taking place on a regular basis **from the third contact** made with addressees of the representation of special interests, provided that contacts are expected to continue and that the intervals between the individual contacts are not so long that, when considered in relation to the number of contacts, the representation is not regarded as taking place on a regular basis.*

*It is not the case that representation is only considered to be taking place on a regular basis after 30 contacts have been made. Unlike the threshold of significance contained in section 2 (1) no. 4 of the Act, which covers particularly intensive representation activities within a short period of time, section 2 (1) no. 1 of the Act also covers less intensive representation activities which are, however, continuous over an extended period of time.*

- **Is the representation of special interests established on a permanent basis?**

*The representation of special interests is established on a permanent basis if the intention is to pursue the aims associated with the representation over an extended period.*

- **Is the representation of special interests carried out commercially for third parties?**

*The representation of interests is regarded as being carried out “commercially” if it is performed **on a recurring basis**. It is not necessary for it to be carried out for profit or for a commercial activity to be undertaken. However, an activity is not regarded as being carried out commercially if the representation of special interests only takes place as a personal favour or is carried out as an exception on another basis.*

*The representation of special interests is regarded as being carried out for third parties if the representative does **not represent any interests of their own** and instead represents the interests of others in return for payment or free of charge.*

*It is often the case that an association carries out representation of special interests commercially for third parties, namely its members, even if the members are not regarded as commissioning this representation within the meaning of section 1 (4) of the Lobbying Register Act and therefore do not have to be named as clients.*

*Anyone who is active as an “entrusted person” in the area of responsibility of a representative of special interests, and who is named as such in the register entry of the person or organisation that has entrusted them with this role, is not regarded as carrying out the representation of special interests commercially for third parties (for more information about the representation of interests by “entrusted persons”, see section [5.2.1.2](#) and section [5.2.2.3](#)).*

- **Have more than 30 separate contacts been made in the course of the past three months for the purpose of representing special interests?**

*The representation of special interests is also subject to an obligation to register if more than 30 separate contacts been made in the course of the past three months for the purpose of representing special interests.*

*This covers cases where the representation of special interests is not carried out on a regular basis or established on a permanent basis, but where a certain frequency threshold is exceeded within a short period.*

*It must be kept in mind that a large number of contacts with a single addressee can take place in the course of a single process of representing special interests. Each meeting, telephone conversation, email, etc. is counted as a separate contact. Likewise, an email sent to a list of recipients containing more than 30 addressees of the representation of special interests results in more than 30 separate contacts for the purpose of representing special interests.*

**Example:**

*Anyone who sends a statement to more than 30 Members of the Bundestag for the purpose of influencing a specific legislative proposal has exceeded the threshold of significance contained in section 2 (1) no. 4 of the Lobbying Register Act.*

- **Is the representation of special interests commissioned in exchange for compensation?**

*An obligation to register definitely exists if the representation of special interests is commissioned in exchange for compensation. Clients whose interests are represented are thus also required to create their own entry in the Lobbying Register if they provide their contractors with compensation for the representation of special interests. A contractual relationship is required in such cases; however, this does not necessarily need to be a written contract, nor does it need to be explicit. The term “compensation” is to be understood in a broad sense. It includes monetary payments, for example, but also the granting of benefits or benefits in kind to the contractors or third parties.*

- **Even if only one of these five conditions is met, an obligation to register exists in principle under section 2 (1) of the Lobbying Register Act.**  
In Step 3, you should next examine whether one or more of the statutory exemptions from the obligation to register apply.
- **Registration in the Lobbying Register is not a mandatory requirement only if none of these five conditions are met.**  
If representation of special interests as defined in the Act does take place but is not subject to an obligation to register, you can consider whether to proceed with **voluntary registration** in the Lobbying Register under section 2 (5) of the Act (see Step 4).

### **2.2.3 Does an exemption from the obligation to register apply? (Step 3)**

If representation of special interests is carried out and one of the thresholds of significance set out in section 2 (1) of the Lobbying Register Act is exceeded, the only circumstance in which this representation is not subject to an obligation to register is if one of the **exemptions from this obligation** for certain activities, persons or organisations set out in section 2 (2) and (3) of the Act applies. If none of the exemptions listed apply,

there is a **statutory obligation to register**. If one or more exemptions apply, you can move on to Step 4.

#### **Important note**

Under section 2 (2) and (3) of the Lobbying Register Act, an exemption from the obligation to register applies only “**if and in so far as**” an exemption criterion is met. Consequently, the representation of special interests must take place **exclusively in the framework of the specified exemption(s)**.

This means that an obligation to register exists as soon as the representation of special interests goes beyond the framework of the activities described in the exemption criteria. For an obligation to register not to apply, the representation of special interests must take place **wholly** in the framework of the applicable exemption(s).

If, however, the representation of special interests does **not** take place exclusively within the framework of one or more exemptions, and if an obligation to register exists for this reason, the particulars to be provided under section 3 (1) and (2) of the Lobbying Register Act must, in principle, apply to **all** activities for the representation of special interests, including those which, in substantive terms, would fall under the relevant exemption.

Representatives of special interests who also represent the interests of clients who are not subject to an obligation to register under section 2 (4) of the Act but are subject to an obligation to register due to other activities do not need to provide particulars about clients who are not subject to an obligation to register on the grounds of section 2 (2) nos. 7, 11, 12, 15 or 16 of the Act within the framework of their activities set out in those provisions.

There are **three categories** of exemptions:

- Exemptions in the case of the representation of special interests **vis-à-vis the German Bundestag and the Federal Government** (section [2.2.3.1](#)),
- Exemptions in the case of the representation of special interests **solely vis-à-vis the German Bundestag** (section [2.2.3.2](#)),
- Exemptions in the case of the representation of special interests **solely vis-à-vis the Federal Government** (section [2.2.3.3](#)).

The details of the various exemptions are explained below.

### **2.2.3.1 Exemptions in the case of the representation of special interests vis-à-vis the German Bundestag and the Federal Government**

If the representation of special interests takes place **both vis-à-vis the bodies, panels, Members, parliamentary groups or groupings of the German Bundestag and vis-à-vis the Federal Government**, only the following exemptions can apply:

1. **Formulation of personal interests by a natural person: section 2 (2) no. 1 in conjunction with section 2 (3) no. 6 of the Lobbying Register Act**

Representatives of special interests are not required to register in the Lobbying Register if and in so far as they are **natural persons** who, in their submission, formulate **exclusively personal interests**, regardless of whether these coincide with business or other interests.

It should be noted that this exemption only applies if the representatives of special interests **themselves** are natural persons. In other words, legal persons, partnerships or other organisations are never covered by this exemption, even if the representation of special interests is carried out by representatives or employees or by natural persons commissioned to carry it out.

A submission formulates **exclusively personal interests** if it expresses reflections, wishes or aims arising from the individual's own situation. This kind of submission is normally seeking a decision in an individual case. As soon as a representative of special interests formulates requests which do not solely relate to himself or herself, it is no longer the case that exclusively personal interests are being formulated. Exerting influence over the formulation, amendment or abolition of general legal provisions (such as laws or statutory instruments) is generally not covered by the exemption contained in section 2 (2) no. 1 of the Act, as such provisions always regulate a large number of cases. That said, such a submission may constitute a petition.

2. **Petitions: section 2 (2) no. 3 in conjunction with section 2 (3) no. 6 of the Lobbying Register Act**

Representatives of special interests are not required to enrol in the Lobbying Register if and in so far as they are submitting a **petition under Article 17 of the Basic Law** to the German Bundestag or the Federal Government.

A petition under Article 17 of the Basic Law is when someone, individually or jointly with others, addresses written requests or complaints to competent authorities and to the legislature. An instance of making contact which goes beyond the proper submission of this kind of written petition is not covered by this exemption.

3. **Public office or mandate / carrying out public functions: section 2 (2) no. 6 in conjunction with section 2 (3) no. 6 of the Lobbying Register Act**

Representatives of special interests are not required to enrol in the Lobbying Register if and in so far as they are exercising a **public office or mandate** as a natural person or are carrying out **public functions** as a legal person under public law.

Individuals exercise a **public office or mandate as a natural person** if they have been tasked with carrying out certain public functions by or on the basis of legal provisions, legal acts and/or elections, and if they are acting to fulfil these functions.

This covers people who hold a public office or mandate in **Germany** or **abroad**, as well as natural persons who hold a public office or mandate in international or transnational organisations. It thus also covers contacts made by foreign diplomats or other staff of diplomatic or consular missions in the exercise of a public office.

A public office or mandate is held by, for example, Members of the Bundestag, Members of the *Land* Parliaments and members of municipal councils, but also by Members of the European Parliament or foreign national parliaments, as well as by members of the *Land* governments, mayors, judges, civil servants and diplomats (see also exemption no. 14, below, “Diplomatic or consular activities”).

**All legal persons under public law** (e.g. corporations, institutions or foundations under public law, public universities, chambers as corporations under public law) which act through their representatives, staff or employees to fulfil the functions assigned to them by a legal act are likewise not subject to an obligation to register.

By contrast, the representation of special interests by **legal persons under private law is subject to an obligation to register**, even if they are **controlled by public authorities** (e.g. federal companies, federal foundations under civil law, or professional chambers under private law) or have been **tasked by law with carrying out public functions**.

**People who hold a public office or mandate and legal persons under public law engaging in activities outside of the public functions assigned to them cannot invoke this exemption in relation to these activities.**

***Example:***

*The work of mayors, who represent the interests of their community as its legal representative, is covered by this exemption. However, if a mayor also engages in the representation of special interests on subjects outside the functions assigned to him or her (for example, representation of special interests on behalf of his or her own company), this exemption does not apply.*

**4. Association of employers or employees: section 2 (2) no. 7 in conjunction with section 2 (3) no. 6 of the Lobbying Register Act**

Only associations of employers or employees protected by Article 9 (3) of the Basic Law are exempt from the obligation to register. They must be dedicated to safeguarding and improving both working and economic conditions.

This means that the association must, in all cases, also pursue the objectives of labour law. In other words, the purpose of the association must also include safeguarding and improving working conditions.

Associations which are solely business associations, with no focus on working conditions, are not regarded as associations of employers or employees.

In addition, the Lobbying Register Act accords special treatment to associations of employers or employees only if and in so far as they are engaged in the activity specifically protected by the constitution in Article 9 (3) of the Basic Law. Trade unions or employers' associations which represent interests vis-à-vis addressees of the Lobbying Register Act in a way which goes beyond the category conferring special treatment established by section 2 (2) no. 7 of the Lobbying Register Act are thus subject to an obligation to register if the other statutory conditions are met.

When making the register entry that is then required, it is possible, on a case by case basis, following agreement with the registry, to refrain in duly justified cases from publishing certain information in order to ensure that **constitutionally sensitive information is protected**, such as details about the number of members of associations of employees or about any strike funds that are contained in the management reports which are to be provided (see, for example, Federal Constitutional Court, decision of 17 January 2022, 1 BvR 2727/21, margin number 20).

Under section 2 (4) of the Lobbying Register Act, this exemption also applies to commissioned representatives of special interests acting solely on behalf of associations of employers or employees within the meaning of section 2 (2) no. 7 of the Act in the context of their activities specified in that provision.

5. **Legal advice or representation: section 2 (2) no. 8 in conjunction with section 2 (3) no. 6 of the Lobbying Register Act**

Representatives of special interests are not required to enrol in the Lobbying Register if and in so far as they are providing **legal advice or representation for a third party or for themselves**, including the delivery of **scientific opinions or the presentation and discussion of legal issues aimed at the general public**. This does not apply if the legal advice or representation is targeting the amendment, abolition or retention of existing or the (non-)adoption of new legal provisions by the German Bundestag, or the adoption, amendment or non-adoption of a decision by the Federal Government, outside of specific administrative, contract or tender proceedings. Legal advice can be provided not only by lawyers, but also by tax advisers.

Simply participating in official administrative, contract or tender proceedings does not give rise to an obligation to register. Representation in judicial proceedings does not constitute a representation of special interests within the meaning of section 1 (3) of the Lobbying Register Act.

The exemption for these groups of people only applies if they are providing **legal services** for themselves or a third party. Any activity outside of the proceedings specified above which seeks to **influence the amendment, abolition or retention of existing or the (non-)adoption of new legal provisions, or the adoption, amendment or non-adoption of a decision** that also affects other groups of people or categories **does not constitute legal advice within the meaning of the Act**. In



other words, lawyers can only invoke the exemption with regard to the provision of legal services in the context of proceedings, the delivery of scientific opinions, or the presentation and discussion of legal issues aimed at the general public. Otherwise, they remain subject to an obligation to register in the context of a representation of special interests which does not constitute the provision of legal services.

Lawyers' obligation to maintain confidentiality under section 43a (2), first sentence, of the Federal Code for Lawyers (*Bundesrechtsanwaltsordnung*, BRAO) and section 2 (1) of the Professional Code for Practising Lawyers (*Berufsordnung für Rechtsanwälte*, BORA) explicitly does not apply to facts which, given their importance, do not necessitate confidentiality (section 43a (2), third sentence, of the Federal Code for Lawyers). Section 2 (3) of the Professional Code for Practising Lawyers explicitly states:

*“A breach of the obligation to maintain confidentiality (section 43a (2) of the Federal Code for Lawyers) shall not exist in so far as law and justice require or allow an exemption.”*

It is therefore advisable to make clients aware that they may be named in the Lobbying Register as clients whose interests are represented by a lawyer in accordance with section 3 (2) no. 2 of the Lobbying Register Act, and that they could potentially themselves be subject to an obligation to register as commissioning the representation of special interests.

***Special case: Partnerschaften and Sozietäten (partnerships)***

*When it comes to the question of whether a Partnerschaft or Sozietät (two types of partnership) is subject to an obligation to register, or only an individual lawyer, the answer depends on with whom the client concludes the contract for legal services. A client may turn to a Sozietät or Partnerschaft to benefit from the potentially higher organisational and staffing capacities and professional expertise of such partnerships. A contract for legal services concluded by a member on behalf of the Sozietät is entered into with the Sozietät as a whole. In the case of a Partnerschaft, the generally accepted view is that a contract for legal services is concluded with the Partnerschaft as a whole.*

*The situation is different in the case of Bürogemeinschaften (office shares), where lawyers come together only for the purpose of reducing costs, with the individual lawyers carrying out their activities independently of one another.*

*To sum up, the law firm, as a Sozietät or Partnerschaft, is usually subject to an obligation to register. The only circumstance in which it can be assumed that solely the lawyer concerned is subject to an obligation to register is if it is explicitly the case that only this lawyer has been commissioned through an explicit and clear individual agreement.*

6. **Political parties and their youth wings: section 2 (2) no. 9 in conjunction with section 2 (3) no. 6 of the Lobbying Register Act**

Representatives of special interests are not required to enrol in the Lobbying Register if and in so far as they are acting in the capacity of a **political party under the Political Parties Act (*Parteiengesetz*)** or in the capacity of the **youth wing of a political party**.

According to section 2 (1) of the Political Parties Act, political parties are “associations of citizens which, on a continuing basis or for a longer period of time, wish to influence the development of informed political opinion at the federal level or in any of the *Länder* and to participate in representing the people in the German Bundestag or a *Land* parliament (*Landtag*), provided that they offer a sufficient guarantee of their sincerity in pursuing that aim, as evidenced by their actual overall situation and standing, especially as regards the size and strength of their organisation, their membership numbers, and their visibility in public”.

The exemption applies to political parties and their non-autonomous subdivisions. Legally autonomous organisations are not covered by the exemption, even if they have close ties with the party.

However, the exemption covers all youth wings of political parties without exception, even if they are legally autonomous organisations and are not part of the party as a whole within the meaning of the Political Parties Act.

Foreign political parties are not covered by this exemption.

7. **Political foundations: section 2 (2) no. 10 in conjunction with section 2 (3) no. 6 of the Lobbying Register Act**

Representatives of special interests are not required to enrol in the Lobbying Register if and in so far as they are acting in the capacity of **establishments for socio-political and democratic education (political foundations)**, in so far as the relevant budgetary legislator allocates block grants for the performance of their statutory tasks.

This exemption covers political foundations at both federal and *Land* level, provided that they receive block grants from the relevant budgetary legislator for the performance of their statutory tasks.

Foreign political foundations are not covered by this exemption.

8. **Intermediary organisations in the field of foreign cultural and education policy: section 2 (2) no. 11 in conjunction with section 2 (3) no. 6 of the Lobbying Register Act**

Representatives of special interests are not required to enrol in the Lobbying Register if and in so far as they are acting in the capacity of **intermediary organisations in the field of foreign cultural and education policy**, in so far as they receive institutional funding from the federal budget.

The intermediary organisations in the field of foreign cultural and education policy which receive funding from the federal budget include the Goethe Institute and the German Academic Exchange Service (DAAD), for example.

Under section 2 (4) of the Lobbying Register Act, this exemption also applies to commissioned representatives of special interests acting on behalf of intermediary organisations in the field of foreign cultural and education policy within the meaning of section 2 (2) no. 11 of the Act in the context of their activities specified in that provision.

**9. Communities based on a religious or philosophical creed: section 2 (2) no. 12 in conjunction with section 2 (3) no. 6 of the Lobbying Register Act**

Representatives of special interests are not required to enrol in the Lobbying Register if and in so far as they are acting in the capacity of a **church or other community based on a religious or philosophical creed**.

In view of the freedom of religion or belief enshrined in Article 4 (1) and (2) of the Basic Law, the Lobbying Register Act contains an exemption for communities based on a religious or philosophical creed. These are associations of natural persons, established on a permanent basis, which comprehensively bear witness to, foster and practise shared religious or philosophical beliefs.

Under section 2 (4) of the Lobbying Register Act, this exemption also applies to commissioned representatives of special interests acting on behalf of churches or other communities based on a religious or philosophical creed within the meaning of section 2 (2) no. 12 of the Act in the context of their activities specified in that provision.

**10. Press, broadcasters and films: section 2 (2) no. 13 in conjunction with section 2 (3) no. 6 of the Lobbying Register Act**

Representatives of special interests do not have to enrol in the Lobbying Register if and in so far as they are engaged in a **protected activity as defined in Article 5 (1), second sentence, of the Basic Law**.

The exemption protects the free operation of the press and reporting by means of broadcasts and films. Contacts made solely in connection with the acquiring and dissemination of information by the press, broadcasters and films, which therefore fall within the protection conferred by Article 5 (1), second sentence, of the Basic Law, do not give rise to an obligation to register.

**11. Associations of local authorities: section 2 (2) no. 14 in conjunction with section 2 (3) no. 6 of the Lobbying Register Act**

Representatives of special interests are not required to enrol in the Lobbying Register if and in so far as they are acting in the capacity of a **federal or Land association of local authorities**.

Associations of local authorities are voluntary alliances of local authorities (e.g. towns, cities or counties) or of joint authorities. Examples of associations of local authorities include the German Association of Towns and Municipalities, the Association of German Counties and the Association of German Cities.

12. **Minorities: section 2 (2) no. 15 in conjunction with section 2 (3) no. 6 of the Lobbying Register Act**

Representatives of special interests are not required to enrol in the Lobbying Register if and in so far as they are acting in the capacity of a **national minority recognised in Germany, a group of Low German speakers, the German minority in Denmark or an organisation or establishment of the aforementioned groups.**

The national minorities recognised in Germany are the Danish minority, the Frisian ethnic group, the German Sinti and Roma, and the Sorbian people.

Under section 2 (4) of the Lobbying Register Act, this exemption also applies to commissioned representatives of special interests acting on behalf of minorities within the meaning of section 2 (2) no. 15 of the Act in the context of their activities specified in that provision.

13. **Representatives who possess no permanent representation in Germany but campaign for human rights, democracy, the rule of law, humanitarian causes or sustainability issues and focus their work primarily outside of Germany: section 2 (2) no. 16 in conjunction with section 2 (3) no. 6 of the Lobbying Register Act**

Representatives of special interests are not required to enrol in the Lobbying Register if and in so far as they possess no permanent representation in Germany but campaign for human rights, democracy, the rule of law, humanitarian causes or sustainability issues and focus their work primarily on other countries or regions of the world. Representatives have no permanent representation in Germany if they do not have a registered office or a branch in Germany. This exemption aims to avoid a situation in which people and organisations active abroad and involved in civic engagement under regimes less committed to the rule of law are put at risk by an entry in the public Lobbying Register.

Under section 2 (4) of the Lobbying Register Act, this exemption also applies to commissioned representatives of special interests acting on behalf of the aforementioned representatives of special interests within the meaning of section 2 (2) no. 16 of the Act in the context of their activities specified in that provision.

14. **Diplomatic or consular activities: section 2 (2) no. 17 in conjunction with section 2 (3) no. 6 of the Lobbying Register Act**

Representatives of special interests are not required to enrol in the Lobbying Register if and in so far as they are engaged in **diplomatic or consular activities** vis-à-vis the German Bundestag or the Federal Government.

Diplomatic or consular activities which fall within the scope of the Vienna Convention on Diplomatic Relations (VCDR) of 18 April 1961 or the Vienna

Convention on Consular Relations (VCCR) of 24 April 1963 are not subject to an obligation to register.

An exemption from the obligation to register also applies to representatives of international organisations whose activities enjoy a special status similar to diplomatic and consular missions, for example as a result of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946 and the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations of 21 November 1947.

Those members of a third country's diplomatic or consular representations who are accredited in Germany are thus exempt. However, if third countries make use of third parties, such as lobbying agencies, these third parties are subject to the obligation to register.

### **2.2.3.2 Exemptions in the case of the representation of special interests solely vis-à-vis the German Bundestag**

If the representation of special interests takes place **solely vis-à-vis the bodies, panels, Members, parliamentary groups or groupings of the German Bundestag**, the following exemptions can **also** apply:

#### **1. Concerns of an exclusively local nature: section 2 (2) no. 2 of the Lobbying Register Act**

Representatives of special interests are not required to enrol in the Lobbying Register if and in so far as they are expressing **concerns of an exclusively local nature** and no more than two constituencies are directly affected.

Concerns are generally of an exclusively local nature if they affect one specific constituency or, at most, two adjacent constituencies. Representation of special interests which targets the adoption, amendment or non-adoption of general legal provisions is normally not considered to be of a local nature. Whether a concern is of an exclusively local nature has to be determined on a case by case basis by looking at the specific circumstances.

#### ***Examples:***

*Generally speaking, representation of special interests in the field of defence policy is not of an exclusively local nature. However, the situation may be different if, for example, the aim is exclusively to prevent the stationing of armed forces or the closure of a barracks in a specific community.*

*Representation of special interests relating to the construction of a motorway is not of an exclusively local nature. The situation may be*

*different, however, if the aim is solely to influence the anti-noise measures or speed limits in the area near a specific settlement.*

**2. Public events held by the German Bundestag: section 2 (2) no. 4 of the Lobbying Register Act**

Representatives of special interests are not required to enrol in the Lobbying Register if and in so far as they are participating in **public committee hearings, public congresses or other public events** held by the bodies, panels, Members, parliamentary groups or groupings of the German Bundestag.

The exemption relates to events where the bodies, panels, Members, parliamentary groups or groupings of the German Bundestag are the organisers extending invitations. It clarifies that there is no obligation to register in these cases.

Simply taking part in a public event at the invitation of the bodies, panels, Members, parliamentary groups or groupings of the German Bundestag normally falls short of being a contact made by the representative of special interests within the meaning of section 1 (3) of the Lobbying Register Act.

**3. Requests for information: section 2 (2) no. 5 of the Lobbying Register Act**

Representatives of special interests are not required to enrol in the Lobbying Register if and in so far as they are responding to **direct and individual requests from the bodies, panels, Members, parliamentary groups or groupings of the German Bundestag for factual information, data or specialised knowledge.**

This clarifies that contacts which are solely limited to providing information to the bodies, panels, Members, parliamentary groups or groupings of the German Bundestag in response to their specific request do not constitute a representation of special interests for which registration is required. Providing information in response to an individual and direct request normally falls short of being a contact made by the representative of special interests within the meaning of section 1 (3) of the Lobbying Register Act.

**2.2.3.3 Exemptions in the case of the representation of special interests solely vis-à-vis the Federal Government**

If the representation of special interests takes place **solely vis-à-vis the Federal Government**, the following exemptions can **also** apply:

1. **Requests for access to information: section 2 (3) no. 1 of the Lobbying Register Act**

Representatives of special interests are not required to enrol in the Lobbying Register if and in so far as they are making a **request under a statutory right of access to information**.

Such rights exist on the basis of the Freedom of Information Act (*Informationsfreiheitsgesetz*), the Environmental Information Act (*Umweltinformationsgesetz*) or the Consumer Information Act (*Verbraucherinformationsgesetz*), for example.

This exemption clarifies that anyone who is solely making use of such rights is not engaging in representation of special interests for which registration is required.

2. **Citizens' enquiries (*Bürgeranfragen*): section 2 (3) no. 2 of the Lobbying Register Act**

Representatives of special interests are not required to enrol in the Lobbying Register if and in so far as they are making a **citizen's enquiry (*Bürgeranfrage*)**.

The exemption clarifies that general enquiries or petitions within the meaning of Article 17 of the Basic Law submitted to the Federal Government and to addressees under section 1 (2) of the Lobbying Register Act do not lead to an obligation to register. A citizen's enquiry / petition is when someone, individually or jointly with others, addresses written questions, requests or complaints to competent authorities. A contact which goes beyond this kind of submission is not covered by this exemption.

3. **Public events held by the Federal Government: section 2 (3) no. 3 of the Lobbying Register Act**

Representatives of special interests are not required to enrol in the Lobbying Register if and in so far as they are participating in **programmes of visits or attending lectures, conferences or other public events held by the Federal Government**.

The exemption relates to events where the Federal Government or part of it (e.g. a Federal Ministry) extends the invitations.

It clarifies that participation does not result in an obligation to register. Taking part in a public event held by the Federal Government normally falls short of being a contact made by the representative of special interests within the meaning of section 1 (3) of the Lobbying Register Act.

#### 4. **Panels of experts: section 2 (3) no. 4 of the Lobbying Register Act**

Representatives of special interests are not required to enrol in the Lobbying Register if and in so far as they are acting on behalf of **specialised advisory boards or other panels of experts established by the Federal Government**.

The exemption clarifies that an activity which is limited to participating in an advisory body created by the Federal Government (such as scientific advisory boards or expert commissions) does not constitute a representation of special interests for which registration is required. Specialised advisory boards and other panels of experts established by the Federal Government include, for example, the Digital Council, the German Advisory Council on Global Change or the Advisory Council on the Assessment of Developments in the Health Care System.

#### 5. **Requests for information: section 2 (3) no. 5 of the Lobbying Register Act**

Representatives of special interests are not required to enrol in the Lobbying Register if and in so far as they are responding to **direct and individual requests from the Federal Government for factual information, data or specialised knowledge**.

This clarifies that contacts which are limited to providing information to the Federal Government or parts of the government in response to its specific request do not constitute a representation of special interests for which registration is required. Providing information in response to an individual and direct request normally falls short of being a contact made by the representative of special interests within the meaning of section 1 (3) of the Lobbying Register Act.

#### 2.2.4 **Is voluntary registration an option? (Step 4)**

Voluntary registration is only possible if representation of special interests is carried out within the meaning of the Lobbying Register Act (see **Step 1**). If no representation of special interests within the meaning of the Act is carried out, no entry may be made in the Lobbying Register. The **option of voluntary registration** can thus be considered in the following cases:

- The representation of special interests does not exceed any of the thresholds of significance contained in section 2 (1) nos. 1 to 5 of the Lobbying Register Act (see **Step 2**), or
- The representative of special interests is exempt from the obligation to register under section 2 (2) and/or (3) of the Lobbying Register Act (see **Step 3**).

In these cases, the representatives of special interests have the option of **voluntary registration** under section 2 (5) of the Lobbying Register Act. It should be kept in mind that even when registering voluntarily, it is still necessary to enter in the Lobbying Register the particulars specified in section 3 (1) and (2) of the Act and to comply with the time limits for entering changes and for updating entries that are set out in section 3 (3) of the Act.

**The relevant provisions on fines contained in section 7 of the Lobbying Register Act also apply to representatives of special interests who register voluntarily.**



### 3. Overview of the registration process

The process for representatives of special interests to enrol in the Lobbying Register has several steps and can take **several days**, given that, to prevent fake entries, a release code has to be delivered by post.

#### 3.1 Creating an admin account

Before the actual entry in the Lobbying Register can be made, a registration account must first be created, the “**IV-Administrations-Konto (Admin-Konto)**” or admin account (see section 4). The administrator (admin) must be a **natural person** who is authorised to create, make changes to or update the entry of a representative of special interests in the Lobbying Register, or in other words to administer the entry. This applies even if the representative of special interests is a legal person, partnership or other organisation. If the representative of special interests is a natural person, the admin can be the representative himself/herself.

#### 3.2 Making entries

Once the admin account has been created, it can be used to enter information for the register entry for the representative of special interests (see section 5).

#### 3.3 Releasing the register entry for publication

Once all particulars have been entered in full, an admin must use the admin account to release the register entry for publication in the Lobbying Register (see section 6). The release process has several steps. Please keep in mind that it can take **several days** before the entry can actually be published in the Lobbying Register.

If the representative of special interests is **not a natural person**, the first step is to designate who will sign the confirmation document on behalf of the representative of special interests (the **signatory**).

*In the case of **legal persons** and **associations** (Personenvereinigungen) within the meaning of section 30 (1) of the Act on Regulatory Offences (Gesetz über Ordnungswidrigkeiten, OWiG), the confirmation document may only be signed by a **person in a managerial position** within the meaning of section 30 (1) nos. 1 to 4 of the Act on Regulatory Offences; see section 4 (2), third sentence, of the Lobbying Register Act. This person may be either a member of an entity authorised to represent a legal person, for example a member of an executive committee, a partner authorised to represent a partnership with legal capacity, an authorised representative with full power of attorney (Generalbevollmächtigte/-r), or an authorised legal officer (Prokurist/-in) or an authorised representative with a commercial power of attorney (Handelsbevollmächtigte/-r) of a legal person, an association without legal capacity, or a partnership with legal capacity.*

*If the representative of special interests falls into the category of “**other organisations**” within the meaning of section 1 (4) of the Lobbying Register Act, the confirmation document must be signed by an **authorised representative** to be determined by the organisation.*

*More detailed information on the release process for the register entry and on who is permitted to sign the confirmation document can be found in [section 6](#).*

*It is possible to designate a new signatory for subsequent updates to the entry (for more information about this, see [section 7](#)).*

A **confirmation document** must then be downloaded; it sets out all of the information provided and contains the Code of Conduct under section 5 (2) of the Lobbying Register Act and the privacy notice as annexes.

When the confirmation document is first downloaded, the system generates a **release code**, which must be entered at the end of the release process to authenticate and publish the entry in the register. To ensure the authenticity of the register entry and prevent fake entries, the release code is sent **by post** to the postal address given by the admin in the admin account; this release code is **permanently valid for all future changes and updates**.

The confirmation document must be **signed** by hand or electronically by the previously designated signatory and **uploaded** again as a PDF file in the admin account.

The final step is for the register entry to be **published** in the Lobbying Register by **entering** the **release code** received by post.

### **3.4 Overview of the particulars to be provided**

Regarding the particulars that have to be provided to create a register entry, a distinction must be made between the particulars required to create an admin account and the particulars required for the actual entry.

#### **3.4.1 Creating the admin account**

To create the admin account, the following particulars relating to the administrator are required:

- An active email address to which permanent access is ensured
- Surname, forename
- Academic qualification (optional)
- Stage or pen name or religious name (optional)
- Contact details (telephone number and postal address)

This information is **not** published in the Lobbying Register.

#### **3.4.2 Register entry of the representative of special interests**

The particulars listed below must then be provided for the register entry of the representative of special interests. A more detailed explanation of the particulars to be provided can be found in [section 5](#).

➤ **For natural persons:**

- Surname, forename
- Academic qualification (optional)
- Stage or pen name or religious name (optional)
- Date and place of birth
- Address
- Electronic contact details (telephone number and email address)
- If applicable: company name or designation of the company
- Memberships that have any connection with the representation of special interests
- General particulars of any offices, memberships or functions they currently hold or perform, or have held or performed within the last five years, in the Federal Government, the German Bundestag or the federal administration (“revolving door effect”).

➤ **For legal persons, partnerships and other organisations:**

- Company name, name or designation of the organisation
- Website address
- Electronic contact details (email address and telephone number)
- Address
- If applicable: address and electronic contact details of the branch office at the seat of the German Bundestag and the Federal Government, which means in Berlin (*Hauptstadtrepräsentanz*, representative office in the capital city)
- Legal form or type of organisation
- Particulars of the statutory representatives or other authorised representatives, specifically:
  - Surname, forename
  - Academic qualification (optional)
  - Stage or pen name or religious name (optional)
  - Electronic contact details (email address and telephone number)
  - Position within the organisation
  - General particulars of any offices, memberships or functions they currently hold or perform, or have held or performed within the last five years, in the Federal Government, the German Bundestag or the federal administration (“revolving door effect”)

- Number of members, broken down into natural persons, on the one hand, and legal persons, partnerships and other organisations, on the other
- Memberships that have any connection with the representation of special interests
- Optional information in the case of legal persons under public law: the information that they have a legal mandate to engage in the representation of special interests within the meaning of section 1 (3) of the Lobbying Register Act.

➤ **For all representatives of special interests:**

- Particulars of those persons who are entrusted with the representation of special interests on more than an occasional basis and who engage directly in the representation of special interests; specifically:
  - Surname, forename
  - Academic qualification (optional)
  - Stage or pen name or religious name (optional)
  - General particulars of any offices, memberships or functions they currently hold or perform, or have held or performed within the last five years, in the Federal Government, the German Bundestag or the federal administration (“revolving door effect”)
- Areas of interests and objectives
- Description of the activity carried out for the purposes of the representation of special interests
- Information to outline the aim of the lobbying (for more details, see section [5.8](#)):
  - Current, planned or intended regulatory proposals
  - Essential comments and expert opinions in regard to the regulatory proposals specified that have been submitted to at least one of the addressees as defined in section 1 (1) and (2) of the Lobbying Register Act, provided that they are not published within formal involvement processes
- Number of employees involved in the representation of special interests (provided that this representation accounts for at least 10 per cent of their work), expressed as full-time equivalents
- Start and end of the current, the last and the previous financial year
- Financial particulars for the last financial year, specifically:
  - Particulars of annual financial expenditure involved in the representation of special interests, in increments of EUR 10,000
  - Particulars of the categories for the main sources of financing, in descending order of their proportion of total income

- Allowances and grants from the German public purse, the European Union, its Member States or from third countries, that are related to the primary object of the company or organisation, if a total value of EUR 10,000 is exceeded for one body providing funding, and particulars of the name and registered office of the body providing funding and a brief description of the contribution
- Total amount of gifts and other lifetime donations from third parties in increments of EUR 10,000, and particulars of individual donors whose gifts exceed a total value of EUR 10,000 and at the same time also exceed 10 per cent of the total amount of gifts, and a brief description of the contribution
- If applicable: total amount of membership dues in the financial year in increments of EUR 10,000, and particulars of members whose individual membership dues exceed a total value of EUR 10,000 and at the same time also exceed 10 per cent of the total amount of membership dues
- If the representation of special interests is commissioned by others, the following particulars about the commissioning relationships (for further information, see section [5.9](#)):
  - Description of the commissioned representation of special interests
  - Particulars of the identity of clients, even if the client is themselves not subject to an obligation to register, provided that no exception as defined in section 2 (4) exists
    - In the case of natural persons (unless their own register entries are referenced):
      - Surname and forename
      - Academic qualification (optional)
      - Stage or pen name or religious name (optional)
      - Address
      - Electronic contact details (email address and telephone number)
      - If applicable: company name or designation of the company

- In the case of organisations (unless their own register entries are referenced):
      - Company name, name or designation of the organisation
      - Website
      - Electronic contact details (email address and telephone number)
      - Address
      - If applicable: particulars of the representative office in the capital city (*Hauptstadtrepräsentanz*)
      - Legal form or type of organisation
      - Particulars of all statutory representatives or other authorised representatives, specifically:
        - Surname and forename
        - Academic qualification (optional)
        - Stage or pen name or religious name (optional)
        - Position within the organisation
        - Electronic contact details (email address and telephone number)
- Particulars of the specific persons or sub-contractors deployed to carry out the commissioned representation of special interests:
  - In the case of natural persons (if their own register entries are not referenced, or if they have not been personally entrusted with the commission by the representative of special interests):
    - Surname and forename
    - Academic qualification (optional)
    - Stage or pen name or religious name (optional)
    - Address
    - Electronic contact details (email address and telephone number)
    - If applicable: company name or designation of the company
    - Particulars relating to the “revolving door effect”

- In the case of organisations (unless their own register entries are referenced):
  - Company name, name or designation of the organisation
  - Website
  - Electronic contact details (email address and telephone number)
  - Address
  - If applicable: particulars of the representative office in the capital city (*Hauptstadtrepräsentanz*)
  - Legal form or type of organisation
  - Particulars of all statutory representatives or other authorised representatives:
    - Surname and forename
    - Academic qualification (optional)
    - Stage or pen name or religious name (optional)
    - Position within the organisation
    - Electronic contact details (email address and telephone number)
    - Particulars relating to the “revolving door effect”
  - Particulars solely for the specific natural persons deployed to carry out the commissioned representation of special interests:
    - Surname and forename
    - Academic qualification (optional)
    - Stage or pen name or religious name (optional)
    - Particulars relating to the “revolving door effect”
  - The financial resources received from each client per commission for the last financial year in increments of EUR 50,000 in each case.

➤ **Only for legal persons, partnerships and sole traders under the Commercial Code (*Handelsgesetzbuch*)**

Annual accounts or management reports

### 3.5 Technical information and explanation of symbols

Please ensure that the browser you are using **allows pop-ups** so that the registration process can be carried out as intended. In addition, please note that the registration process requires **documents to be downloaded and saved**, and this takes place in line with the **settings of the browser you are using**.

Regarding the information to be provided during the registration process, a distinction is made between required information and optional information.

*Required information refers to particulars that all representatives of special interests are required by law to provide. These particulars are indicated by **mandatory fields** with an **asterisk (\*)** at the end of the field description.*

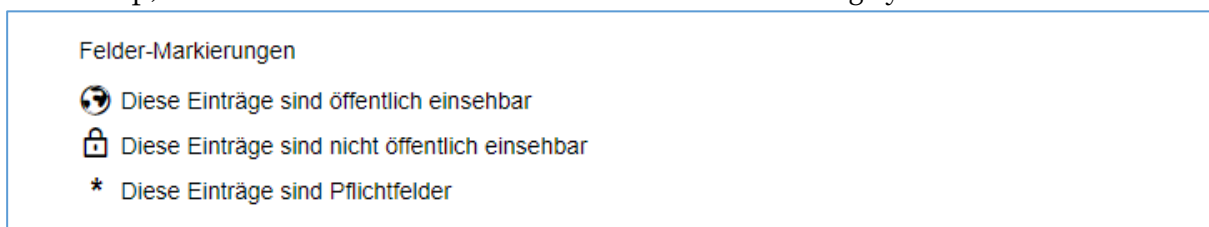
*Optional information means either particulars that can be provided **voluntarily** in addition to the required particulars (the Act generally refers to these as “optional” particulars), or particulars which are to be provided “if applicable”. In the latter case, it is mandatory to provide these particulars if the statutory conditions for providing the information are met in an individual case. These fields are not marked by an asterisk.*

In addition, under section 4 (2), fifth sentence, of the Lobbying Register Act, a distinction is made between information which is publicly visible and information which is not publicly visible.

*Information which is publicly visible refers to particulars which, after an entry in the Lobbying Register is published, are made **publicly accessible and searchable**. These particulars are indicated by a **globe symbol in front** of the input field.*

*Information which is not publicly visible refers to particulars that are required by law, but which **only the representative of special interests themselves and the registry** can view. This information is not published. These particulars are indicated by a **padlock symbol** in front of the input field.*

To sum up, the individual fields are labelled with the following symbols:



If a mandatory field is **left blank or is not completed using the required format**, you will not be able to save the particulars in that input screen. In this case, an **error message** will be displayed at the start of the input screen and the input fields in question will be **highlighted in red with explanations** to make you aware of what information is missing or where you have not used the required format. The same applies to optional fields if they are not completed correctly.