

**Act Introducing a Lobbying Register for the Representation of Special Interests vis-à-vis the German Bundestag and the Federal Government
(Lobbying Register Act – *Lobbyregistergesetz*)**

of 16 April 2021 (Federal Law Gazette 2021 I, p. 818)

The Bundestag has adopted the following Act:

**Section 1
Scope**

(1) This Act shall apply to the representation of special interests vis-à-vis the bodies, Members, parliamentary groups or groupings of the German Bundestag and to the representation of special interests vis-à-vis the Federal Government.

(2) The rules for the Federal Government shall also apply to Parliamentary State Secretaries, State Secretaries, Heads of Directorates-General and Heads of Directorates.

(3) 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, Members, parliamentary groups or groupings of the German Bundestag or for the purpose of directly or indirectly influencing the process of formulating aims or taking decisions conducted by the Federal Government.

(4) Representatives of special interests 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.

**Section 2
Obligation to register**

(1) Representatives of special interests within the meaning of section 1(4) of this Act must register the particulars specified in section 3(1) in a public register (Lobbying Register) in accordance with the second sentence of this subsection if:

1. the representation of special interests is carried out on a regular basis,
2. the representation of special interests is established on a permanent basis,
3. the representation of special interests is carried out commercially for third parties, or
4. more than 50 separate contacts have been made in the course of the past three months for the purpose of representing special interests.

Registration shall be effected without delay as soon as any of the conditions specified in the first sentence of this subsection is met.

(2) Representatives of special interests within the meaning of subsection (1) above shall not be required to register representation of interests vis-à-vis the bodies, Members, parliamentary groups or groupings of the German Bundestag if and in so far as they:

1. are natural persons who, in their submission, formulate exclusively personal interests, regardless of whether these coincide with business or other interests,
2. are expressing concerns of an exclusively local nature, provided that no more than two constituencies are directly affected,
3. are submitting a petition under Article 17 of the Basic Law (*Grundgesetz*),
4. are participating in public committee hearings, public congresses or other public events held by the bodies, Members, parliamentary groups or groupings of the German Bundestag,
5. are responding to direct and individual requests from the bodies, Members, parliamentary groups or groupings of the German Bundestag for factual information, data or specialised knowledge,
6. are exercising a public office or mandate,
7. are seeking to influence working and economic conditions as associations of employers or employees (Article 9(3) of the Basic Law),
8. are providing legal advice for a third party or themselves, including the delivery of scientific opinions or the presentation and discussion of legal issues aimed at the general public, or are performing activities which do not target the enactment, amendment or non-adoption of a legal provision by the German Bundestag or the Federal Government,
9. are acting in the capacity of political parties under the Political Parties Act (*Parteiengesetz*),
10. 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,
11. 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,
12. are acting in the capacity of a church or other community based on a religious or philosophical creed,
13. are engaged in a protected activity within the meaning of the second sentence of Article 5(1) of the Basic Law,
14. are acting in the capacity of a federal or *Land* association of local authorities,
15. are acting in the capacity of a national minority recognised in Germany, of a group of Low German speakers, of the German minority in Denmark or of an organisation or establishment of the aforementioned groups, or
16. 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.

(3) Representatives of special interests need not register their representation of those interests vis-à-vis the Federal Government if and in so far as they:

1. are making a request under a statutory right of access to information,
2. are making a citizen's enquiry (*Bürgeranfrage*),
3. are participating in visit programmes or attending lectures, conferences or other public events held by the Federal Government,
4. are acting on behalf of specialised advisory boards or other bodies of experts established by the Federal Government,
5. are engaged in diplomatic or consular activities,
6. are responding to direct and individual requests from the Federal Government for factual information, data or specialised knowledge, or
7. are engaged in any of the activities specified above in subsection (2), point 1 or points 6 to 16.

(4) The obligation to register shall also be inapplicable to anyone acting on behalf of the representatives of special interests referred to in subsection (2), point 7, 11, 12, 15 or 16, above in the context of their activities specified therein.

(5) Representatives of special interests who are exempt from the obligation to register may register voluntarily. In the case of voluntary registration under the first sentence of this subsection, the representatives of special interests must enter the particulars specified in section 3(1) of this Act in the Lobbying Register.

Section 3

Content of the register

(1) Representatives of special interests shall provide the following information in the Lobbying Register:

1. if they are natural persons:
 - (a) surname, surname at birth, forenames, academic degree (optional),
 - (b) date and place of birth,
 - (c) address,
 - (d) electronic contact details,
2. if they are legal persons, partnerships or other organisations:
 - (a) company name, name or designation of the organisation, its website, e-mail address and postal address,
 - (b) legal form or type of organisation,
 - (c) surname, forenames, academic degree (optional) and electronic contact details of all statutory or other authorised representatives,
 - (d) surname, surname at birth, forenames and academic degree (optional) of each member of staff engaging directly in the representation of special interests other than those covered by point (c) above,
 - (e) number of members and memberships,
3. area of interests and objectives and description of activity,
4. particulars of the identity of clients whose interests the registrant represents; points 1 and 2(a) to (c) shall apply, *mutatis mutandis*,
5. the number of employees, in class intervals of ten, involved in the representation of interests,
6. particulars of annual financial expenditure, in class intervals of EUR 10,000, involved in the representation of interests,
7. the following particulars of individual allowances and grants from the public purse and on individual gifts from third parties in class intervals of EUR 10,000 where a particular donor has gifted more than EUR 20,000 in a calendar year in a single donation or as a cumulative total:
 - (a) name, company name or designation of the donor,
 - (b) place of residence or registered office of the donor,
 - (c) a brief description of the contribution,
8. annual accounts or management reports from legal persons not subject to disclosure obligations under commercial law.

(2) The particulars specified in subsection (1), points 6 to 8, above may be withheld. The withholding shall be noted in the Lobbying Register. In addition, the representatives of special interests withholding these particulars shall be identified in a separate public list in the Lobbying Register.

(3) Representatives of special interests shall update the particulars specified in subsection (1) above at least once a year. Changes in the particulars specified in subsection (1), point 1(a), (c) and (d) and point 2(a) to (d) shall be entered no later than the end of the quarter following the occurrence of the change. Changes to the particulars specified in subsection (1), point 4, shall be entered without delay. If the particulars specified in subsection (1), points 6 to 8, are not withheld, they shall be updated no later than six months after the end of the financial year to which they relate. This shall also apply to the particulars specified in subsection 1, point 2(e).

(4) In the Lobby Register a list of former representatives of special interests shall be maintained, showing the most recently updated particulars, and duly published. The representatives of special interests entered in this list shall be those who have notified the German Bundestag that they are no longer engaged in the representation of special interests or whose entry has been transferred to this list pursuant to the third sentence of section 4(4) of this Act. Entries shall be removed from this list after 18 months have elapsed, and the data shall be stored by the registry for a further 18 months.

Section 4

Establishment and maintenance of the Register

(1) The Lobbying Register shall be established and maintained in electronic form by the German Bundestag. The German Bundestag and the Federal Government shall conclude an administrative agreement laying down details of the maintenance of the Lobbying Register.

(2) Representatives of special interests shall register electronically by using the internet access provided by the German Bundestag. The entries shall be published in machine-readable form and with a search function, excepting, in the case of natural persons, the particulars referred to in section 3(1), point 1(b) to (d) and point 7(b) of this Act as well as the surname at birth and additional forenames.

(3) The date of entry in the Lobbying Register and the date of the last update shall be automatically displayed.

(4) If the particulars specified in section 3(1) of this Act are not updated for more than a year, the registrants concerned shall be requested, by means of an electronic notification, to update their entry. If they do not effect this update within three weeks, the entry shall be annotated as "not updated" ("*nicht aktualisiert*"). If registrants do not update their entries within six months following the notification pursuant to the first sentence of this subsection, they shall be notified electronically that their entry will be transferred in one month's time from the active Lobbying Register to the list referred to in section 3(4).

(5) Over and above the limitation set out in the second sentence of subsection (2) above, the registry shall, upon request, fully or partially restrict the publication of the registered particulars (section 3(1) of this Act) if the representative of a special interest demonstrates to it that, in view of all the circumstances of the individual case, publication conflicts with overriding legitimate interests of the representative of the special interest or of the registrants referred to in section 3(1), point 2 or 4.

Legitimate interests obtain if facts warrant the assumption that publication would expose persons referred to in the first sentence of this subsection to the danger of falling victim to a crime or an offence under section 124, 223, 224, 240 or 241 of the German Criminal Code (*Strafgesetzbuch*).

(6) In the maintenance of the Register, appropriate technical and organisational measures shall be taken to ensure that the confidentiality of non-public particulars is preserved. This shall be without prejudice to the use of such particulars in so far as this is required for the proper maintenance of the Register and for procedures under section 7 of this Act. In response to individual enquiries from Members of the German Bundestag and federal ministers, information may be disclosed as to whether an entry exists. Otherwise there shall be no entitlements on the basis of other legal provisions to access information from the non-public content of the Register and other associated information.

Section 5

Integrity in the representation of special interests

(1) The representation of special interests within the meaning of this Act must be carried out on the sole basis of openness, transparency, honesty and integrity.

(2) The German Bundestag and the Federal Government shall, with the participation of civil society, establish a code of conduct containing rules for the representation of special interests on the basis of the principles specified in subsection (1) above.

(3) By enrolling in the Lobbying Register, representatives of special interests shall accept this code of conduct. It shall be possible to specify further codes of conduct as an additional basis for the representation of special interests.

(4) The representation of special interests must be carried out transparently in every contact with the bodies, Members, parliamentary groups or groupings of the German Bundestag or with the Federal Government. Representatives of special interests must:

1. disclose their identity and their interest and, where appropriate, the identity and interest of their client,
2. provide accurate particulars about themselves and their mandate to represent special interests.

(5) Registered representatives of special interests shall refer to their registration on their initial contact with the respective bodies, Members, parliamentary groups or groupings of the German Bundestag or with the respective members of the Federal Government and shall name the codes of conduct on the basis of which the representation of interests is being pursued. If individual particulars have been withheld under section 3(1), points 6 to 8, of this Act, this shall also be indicated.

(6) Agreements whereby remuneration or the amount thereof is made dependent on the success of the representation of special interests (contingent fees) shall be inadmissible.

(7) Representatives of special interests shall ensure that all information which is provided at the time of registration and thereafter in connection with activities falling within the scope of the Register is

correct, complete and up to date and is not misleading and that any necessary additional information and updates requested by the registry are provided without delay.

(8) If the registry, after conducting an appropriate audit procedure, finds that a representative of special interests has significantly infringed the code of conduct referred to in subsection (2) above, this finding shall be published in the Register. This reference in the Register shall be deleted after 24 months have elapsed since the publication of the infringement.

(9) Registrants may publicly use the designation “registered representative of special interests” (“*registrierte Interessenvertreterin*” or “*registrierter Interessenvertreter*”) if their particulars have been registered under section 3(1) of this Act, no particulars have been withheld, the Register entry does not bear the annotation “*nicht aktualisiert*”, and no reference to an infringement within the meaning of section 5(8) has been published in the Register.

Section 6

Access to the buildings of the German Bundestag and participation in public hearings

(1) The German Bundestag may reserve the right not to issue access permits to representatives of special interests unless their particulars have been duly registered in accordance with section 3(1) of this Act and the Register entry does not bear the annotation “*nicht aktualisiert*” or indicate a finding of infringement within the meaning of section 5(8). Being issued with an access permit is not a right. Access shall be regulated by the President of the German Bundestag.

(2) Registered representatives of special interests should participate as providers of information in public hearings of German Bundestag committees only if the particulars specified in section 3(1), points 6 to 8, of this Act have not been withheld and the Register entry does not bear the annotation “*nicht aktualisiert*” or indicate a finding of infringement within the meaning of section 5(8).

(3) Involvement of registered representatives of special interests under section 47 of the Joint Rules of Procedure of the Federal Ministries (*Gemeinsame Geschäftsordnung der Bundesministerien*) should not be permitted if the particulars specified in section 3(1), points 6 to 8, of this Act have been withheld or the Register entry bears the annotation “*nicht aktualisiert*” or indicates a finding of infringement within the meaning of section 5(8).

Section 7

Fines

(1) It is a regulatory offence:

1. not to enter a particular or not to enter it correctly, completely or in good time in breach of the first sentence of section 2(1) of this Act,
2. not to enter a particular correctly or completely in breach of the second sentence of section 2(5), or
3. not to update a particular or not to update it correctly, completely or in good time in breach of the first sentence of section 3(3) of this Act or in breach of that provision read in conjunction with the second to fifth sentences of the same subsection.

(2) It is a regulatory offence to commit any of the acts described in subsection (1) above as a result of negligence.

(3) In the cases referred to in subsection (1) above, the regulatory offence shall be punishable with a fine of up to fifty thousand euros (EUR 50,000) and in the cases referred to in subsection (2) with a fine of up to twenty thousand euros (EUR 20,000).

(4) The administrative authority within the meaning of section 36(1), point 1, of the Regulatory Offences Act (*Gesetz über Ordnungswidrigkeiten*) shall be the Secretary-General of the German Bundestag.

Section 8 **Transitional provision**

Registrations within the meaning of section 2(1) of this Act which are effected within two months from the date of entry into force of this Act shall be regarded as having been effected without delay within the meaning of the second sentence of section 2(1).

Section 9 **Report and evaluation**

(1) The German Bundestag and the Federal Government shall publish a report every two years on the operation of the Lobbying Register, the first report being due on 31 March 2024 for the two preceding calendar years.

(2) The German Bundestag and the Federal Government shall review the effects of this Act for the first time five years after its entry into force and shall publish the results of their review.

Section 10 **Entry into force**

This Act shall enter into force on 1 January 2022.