

Code of Conduct for representatives of special interests in the framework of the Lobbying Register Act

(Federal Government decision of 16 June 2021; Bundestag decision of 24 June 2021)

Applicable from 1 January 2022

Persons engaged in the representation of special interests within the meaning of the Lobbying Register Act (*Lobbyregistergesetz*) who are subject to a registration requirement under that Act or have registered voluntarily shall operate on the basis of openness, transparency, honesty and integrity and, by enrolling in the Register, shall accept the following principles and rules of conduct for themselves and their employees:

1. Representation of special interests shall be carried out transparently in every contact occurring within the scope of the Lobbying Register Act. To this end, representatives of special interests shall disclose their identity and their interest and, where appropriate, the identity and interest of their client and shall provide accurate particulars about themselves and their mandate to represent special interests.
2. In addition, registrants shall refer to their registration on their initial contact made for the purpose of representing special interests and shall name the codes of conduct on the basis of which the representation of interests is being pursued. In the event of a change in the office or function of an addressee of the representation of special interests, the registrant's contact shall be deemed to exist with the person and not the office or function. If individual financial particulars have been withheld under section 3(1), points 6 to 8, of this Act, this shall also be indicated.
3. Agreements whereby remuneration or the amount thereof is made dependent on the success of the representation of special interests (contingent fees) shall be inadmissible.
4. Information shall never be obtained by improper means. In particular, these include providing or promising direct or indirect financial incentives to addressees of the representation of special interests if the latter would breach their obligations by accepting such offers.
5. Confidential information obtained by representatives of special interests or their employees in the context of representing special interests vis-à-vis the German Bundestag or the Federal Government shall only be used or passed on in a permissible way and as agreed in each instance.
6. The designation "registered representative of special interests" ("*registrierte Interessenvertreterin*" or "*registrierter Interessenvertreter*") may be used by a person only if his or her particulars, including the financial particulars referred to in section 3(1), points 6 to 8, of the Lobbying Register Act have been properly entered in the Lobbying Register, the Register entry does not bear the annotation "*nicht aktualisiert*" ("not updated"), and no reference to an infringement of this Code of Conduct has been published in the Register.
7. If representatives of special interests should be invited to a public hearing in the German Bundestag or be involved within the meaning of section 47(3) and the second sentence of section 47(5) of the Joint Rules of Procedure of the Federal Ministries even though financial particulars referred to in section 3(1), points 6 to 8, have been withheld, the Register entry bears the annotation "*nicht aktualisiert*" or a reference to an infringement of this Code of Conduct has been published in the Register, this shall be communicated by the representative of special interests concerned without delay and without prior request.
8. In contacts with clients, customers or other third parties, representatives of special interests shall refrain from making false claims alleging the existence of a contractual, personal or advisory relationship with the addressees of the representation of special interests referred to in the Lobbying Register Act.
9. Representatives of special interests shall accept that the particulars in the Lobbying Register may be reviewed by the registry and shall ensure that questions from the registry, particularly in the context of the audit procedure under section 5(8) of the Lobbying Register Act, are answered without delay.