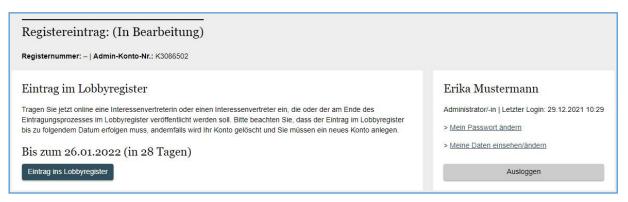
Making entries in the Lobbying Register

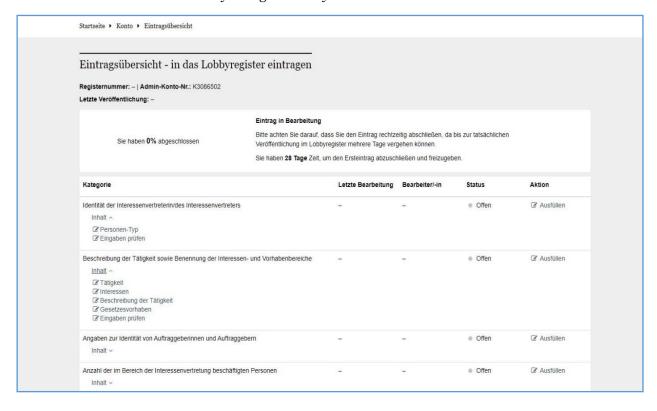
The registration process is intended to be as self-explanatory and manageable as possible. However, given the large number of individual sections to complete, it makes sense to provide explanations in this handbook for each of the sections. This should clear up as many doubts as possible, avoiding the need to contact the registry's telephone hotline.

To begin your entry, sign in to the admin account and then click the button "Eintrag ins Lobbyregister" (make an entry in the Lobbying Register). You will then be taken to the entry overview.



"Eintragsübersicht" (entry overview)

The "Eintragsübersicht" (entry overview) is an important tool for making your entry in the register. It makes it easier to go through the registration process in a structured way and to edit the individual entry categories as you wish.



The entry overview provides you with a **wide range of information** on the registration and amendment process.

The heading displays a **percentage figure** – this shows your progress in the registration process, based on the length of an average entry. You can pause the registration process at any time and come back to it later. You will also be given information on how much time remains for you to enter all of the particulars for your initial entry in the register. You have 28 days from the creation of an admin account to complete registration and initiate the release process. This period begins again each time you sign in to the admin account.

Below that, you are shown the individual **entry categories** (see sections 1 to 9), together with information on how to deal with each category.

You can see the individual sub-categories in an entry category by clicking "Inhalt" (contents).

The "Letzte Bearbeitung" (last edited) column shows the date on which the entry was last edited.

The "Bearbeiter/-in" (processing official) column shows you which representation of special interests administrator edited the entry most recently. This information is particularly useful for coordinating edits by several admins, when this function is set up.

The "Status" column shows the current status of each entry category. If there are any fields in a category that have not yet been completed, the status "Offen" (incomplete) will be displayed. When you have provided all of the necessary information in an entry category and have checked and finalised the information in that category, the status "Abgeschlossen" (complete) will be displayed.

You may only begin the "Freigabeprozess" (release process) for publication of the entry in the register (see section 10) when all entry categories are marked "Abgeschlossen" (complete).

When the register entry has been released, the status column will read "Veröffentlicht" (published). If, after publication, amendments or updates are being carried out but have not yet been published, the column will read "Nicht veröffentlicht" (not published).

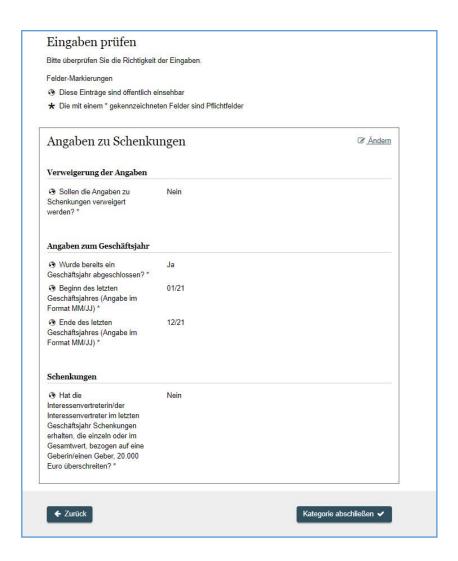
Before you can release an entry again after its initial publication, you must finalise all edited categories again; the display in the column will change to "Abgeschlossen" (complete) accordingly. In contrast to initial registration, however, not all categories must be finalised again; the status remains "Veröffentlicht" (published) for categories that have not been edited.

To begin editing information within an entry category, click "Ausfüllen" (fill in) in the "Aktion" (action) column. You will then be taken directly to the input screen for the first sub-category.

If you prefer, you can also use the "Inhalt" (contents) drop-down list and select a subcategory directly from there in which to make entries or corrections.

If entries have already been made in a category, then the "**Bearbeiten**" (edit) option is available. This will also take you to the first sub-category, where you can amend entries that have already been made.

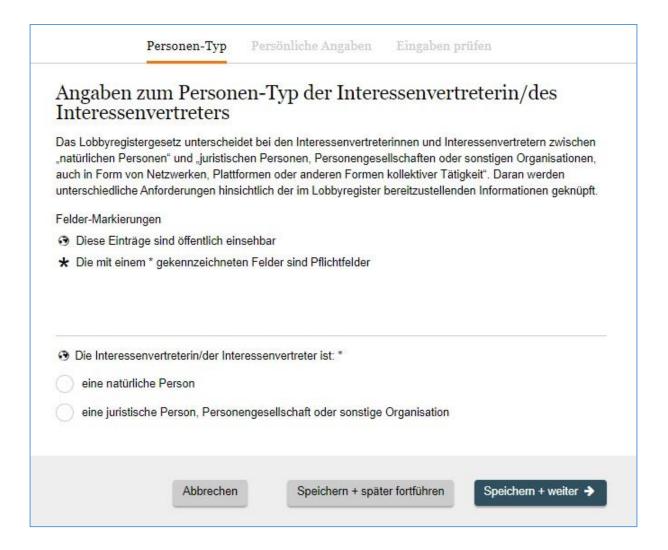
At the end of each category, all of the information entered is summarised again for you. You can also select the option "Eingaben prüfen" (check information) directly from the entry overview. From here, you can select the individual areas directly by clicking "Ändern" (change) so that you can change or correct the information entered. By clicking "Kategorie abschließen" (finalise category), you can confirm the information entered and finalise the category.



Entries cannot be edited during the release process! The only available option during the release process is "Einsehen" (view), which will allow you to review the entries made. Should you realise at this point that individual entries are not correct, you can abort the release process, make the necessary changes, and restart the release process (see section 10).

1. "Identität der Interessenvertreterin/des Interessenvertreters" (identity of the representative of special interests)

According to section 1 (4) of the Lobbying Register Act, representatives of special interests are **natural persons** 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.



Please use this input screen to state whether the representative of special interests is a "natürliche Person" (natural person) or a "juristische Person, Personengesellschaft oder sonstige Organisation" (legal person, partnership or other organisation).

This differentiation is necessary because the Lobbying Register Act requires different particulars for natural persons to those it requires for legal persons, partnerships or other organisations.

Individual persons who engage in the representation of special interests themselves (e.g., as self-employed business consultants or individual activists) or who commission such representation must register as a "<u>natürliche Person</u>" (natural person). If the natural person engages in the representation of special interests themselves, it does not matter whether they are representing their own interests or representing special interests on behalf of others.

Persons who act as (statutory) representatives or members of staff 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 themselves to be independent representatives of special interests, and are therefore **not** required to enrol in the Lobbying Register. In these cases, the legal person, partnership or other organisation is considered the representative of special interests within the meaning of the Lobbying Register Act 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 as (statutory) representatives or members of staff in the field of representation of special interests (see sections 1.2.2 and 1.2.3).

Representatives of special interests who engage in the representation of special interests not as an individual natural person must register as a "juristische Person, Personengesellschaft oder sonstige Organisation, auch in Form von Netzwerken, Plattformen oder anderen Formen kollektiver Tätigkeiten" (legal person, partnership or other organisation, including those in the form of networks, platforms or other forms of collective activities). This includes companies (e.g., stock corporations or limited liability companies) and bodies (e.g., associations), but also alliances that have no legal form and that cannot be classified along typical organisation lines (e.g., initiatives).

All forms of collective representation of special interests are included as part of this category. 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.

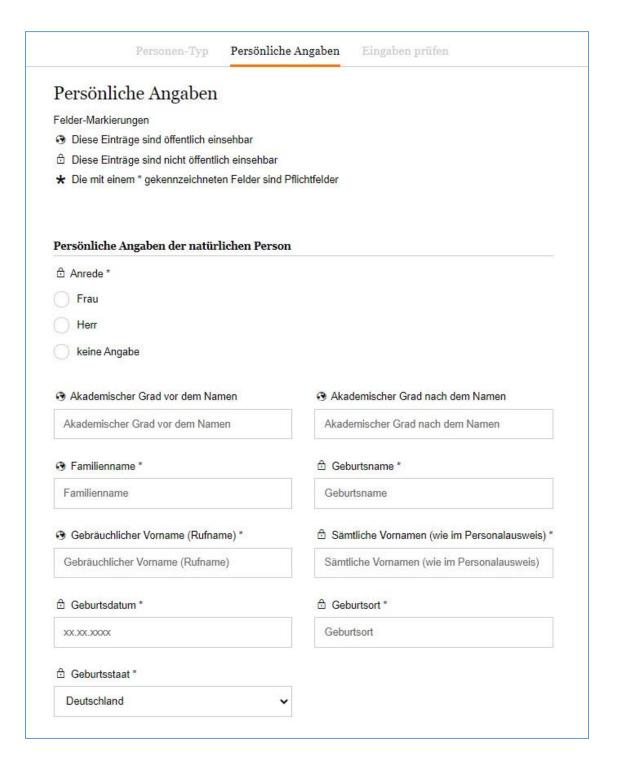
Specific process:

- Select whether the representative of special interests is a "natürliche Person" (natural person) or a "juristische Person, Personengesellschaft oder sonstige Organisation" (legal person, partnership or other organisation).
- Confirm your selection by clicking the button "Speichern + weiter" (save + continue).

The following pages first provide details of the information to be provided by natural persons. Details of the information to be provided by legal persons, partnerships or other organisations can be found in section 1.2.

1.1 "Natürliche Person" (natural person)

According to section 3 (1) no. 1 of the Lobbying Register Act, representatives of special interests who enrol in the Lobbying Register as **natural persons** must provide information on their names, date and place of birth, address, and electronic contact details.



"Persönliche Angaben der natürlichen Person" (personal particulars of the natural person)

Anrede (Title)

Select the title that applies to the representative of special interests ("Herr" (Mr) or "Frau" (Ms)) or select "keine Angabe" (not specified). The title will not be published.

"Akademischer Grad" (academic qualification) (optional)

If academic qualifications are to be entered, enter the academic title that the representative of special interests uses **before their forename** (e.g., Dr, Dipl-Ing.) in the first free text field. Professional titles such as Professor and Lawyer can also be entered, if desired. Academic titles that are used **after the surname** (e.g., M.A., LL.M) should be entered in the second free text field. The name will then be published as follows, for example:

"Lawyer Prof. Dr Jane Doe LL.M (Harvard)"

"Familienname" (surname)

Enter the surname of the representative of special interests as it is to be published in the Lobbying Register.

"Geburtsname" (birth surname)

Enter the birth surname, i.e., the surname that appears on the birth certificate, of the representative of special interests.

Even if the birth surname is identical to the current surname, the name must be entered again in this field as it is an obligatory field according to the Act and the system cannot differentiate as to whether this is necessary or not.

The birth surname will not be published in the Lobbying Register.

"Gebräuchlicher Vorname" (forename that is usually used)

Enter the forename that the representative of special interests usually uses as it is to be published in the Lobbying Register.

"Sämtliche Vornamen" (all forenames)

Enter all of the forenames of the representative of special interests as they are written on their national ID card or other official identity document.

If the representative of special interests only has one forename, this forename must be entered again in this field, because the Lobbying Register Act requires all forenames to be provided; additional forenames are not published.

"Geburtsdatum" (date of birth)

Enter the date of birth of the representative of special interests in the format DD.MM.YYYY. The date of birth will not be published in the Lobbying Register.

"Geburtsort" (place of birth)

Enter the place of birth of the representative of special interests. The place of birth is the place listed on the birth certificate or other official document as the person's place of birth. The place of birth will not be published in the Lobbying Register.

"Geburtsstaat" (country of birth)

Choose the country of birth of the representative of special interests from the drop-down list. The country of birth is the country in which the place of birth stated above was located at the time of birth. Germany is pre-selected in the application. If the relevant country does not appear on the list, choose "Sonstige" (other) at the bottom of the list and enter the country in the free text field that will appear.

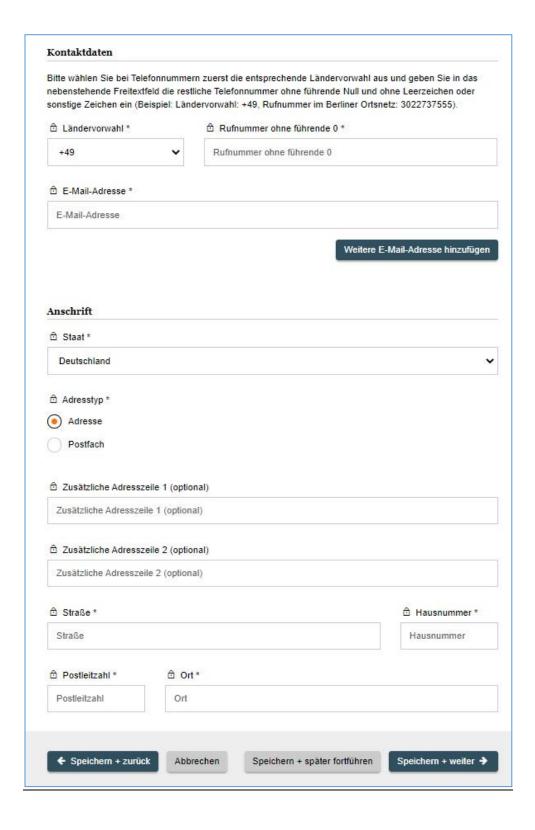
Example:

The country of birth would not appear on the list if the country in which the representative of special interests was born no longer exists.

The country of birth will not be published in the Lobbying Register.

"Kontaktdaten" (contact details)

The Lobbying Register Act requires **electronic contact details** to be provided. It is therefore necessary to enter a telephone number where the representative of special interests can be contacted and at least one current email address for the representative of special interests. These particulars will not be published in the Lobbying Register.



"Ländervorwahl" (international dialling code)

The international dialling code for Germany (+49) is pre-selected. If the representative of special interests uses a telephone number with a different international dialling code, select the correct code from the drop-down list.

"Rufnummer ohne führende 0" (telephone number without initial 0)

Enter the entire telephone number without the international dialling code and without the initial "0", and with no spaces or symbols. (Example: International dialling code: +49, telephone number to a landline number in Berlin: 3022737555). The same applies to mobile phone numbers.

"E-Mail-Adresse" (email address)

Enter at least one **active** email address for the representative of special interests. Further email addresses can be entered by clicking "Weitere E-Mail-Adresse hinzufügen" (add another email address). Email addresses will not be published in the Lobbying Register.

"Anschrift" (address)

In the next step, enter the postal address of the representative of special interests. The postal address will not be published in the Lobbying Register.

"Staat" (country)

First, select the country in which the address is located. Germany is pre-selected as the country. If the address is not in Germany, select the relevant country.

> If an address in Germany is to be entered:

"Adresstyp" (type of address)

For an address in Germany, choose whether it is an "Adresse" (physical address) or a "Postfach" (PO box).

> If a physical address is to be entered:

"zusätzliche Adresszeile" (additional address lines) (optional) 1 and 2:

When entering a physical address, use these address lines for additional information if providing the street number and name is not sufficiently clear. You can add information here such as "c/o", "Block B", "Rear building" or "3rd floor" (character limit: 30).

"Straße" (street name)

Enter the street name for the address of the representative of special interests, without the house number (character limit: 30).

"Hausnummer" (house number)

Enter the house number for the address of the representative of special interests.

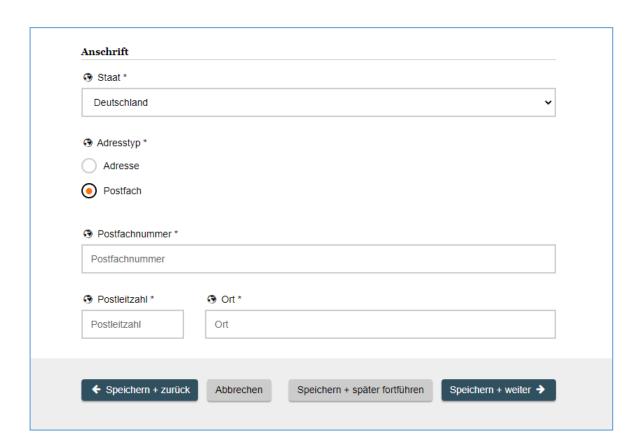
"Postleitzahl" (postcode)

Enter the postcode for the address of the representative of special interests.

"Ort" (town)

Enter the town for the address of the representative of special interests (character limit: 30).

> If a PO box is to be entered:



"Postfachnummer" (PO box number)

Enter only the **PO box number** for the representative of special interests, without adding "PO box". This will be generated automatically by the system. This field will only accept **numerals**.

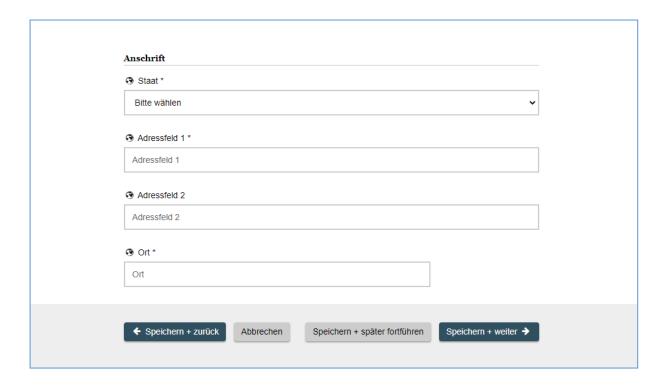
"Postleitzahl" (postcode)

Enter the postcode for the PO box of the representative of special interests.

"Ort" (town)

Enter the town for the PO box of the representative of special interests (character limit: 30).

> If an address outside of Germany is to be entered:



If the address of the representative of special interests is in a country other than Germany, first select the relevant country from the drop-down list under "Staat" (country).

"Adressfeld" (address field) 1

Enter the address (usually the house number and street name) for the address of the representative of special interests. When entering a physical address, you can also use this address field for additional information if providing the street number and name is not sufficiently clear (character limit: 30).

At least the first of the two address fields must be filled in.

"Adressfeld" (address field) 2

You can use the second address field for additional elements of the address of the representative of special interests, or for entering the street name and house number if the first address field has already been used for additional information (character limit: 30).

"Ort" (town)

Enter the town for the address of the representative of special interests. If a postcode or similar is used in the relevant country, enter this here too (character limit: 30).

Specific process:

- Enter all of the requested particulars in the input screen.
- Save these particulars by clicking the button "Speichern + weiter" (save + continue).

Obligation to update particulars

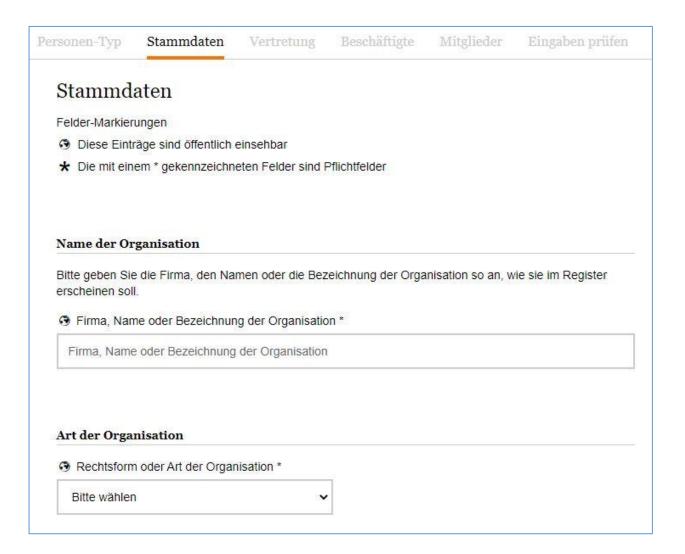
Notwithstanding the annual updating requirement according to section 3 (3) sentence 1 of the Lobbying Register Act, according to section 3 (3) sentence 2 of the Lobbying Register Act, changes in personal particulars are to be entered **no later than the end of the quarter following the occurrence of the change**.

According to section 7 (1) no. 3 of the Lobbying Register Act, it is a regulatory offence not to update a particular or not to update it correctly, completely or in good time, whether this is intentional or the result of negligence. According to section 7 (3) of the Lobbying Register Act, the regulatory offence can be punished with a fine of up to fifty thousand euros.

1.2 "Juristische Person, Personengesellschaft oder sonstige Organisation" (legal person, partnership or other organisation)

1.2.1 "Stammdaten" (master data)

According to section 3 (1) no. 2 letters (a) and (b) of the Lobbying Register Act, representatives of special interests who enrol in the Lobbying Register as **legal persons**, **partnerships or other organisations** are to provide information on the company name, name or designation of the organisation, its website, email address and postal address, as well as the legal form or type of organisation.



"Name der Organisation" (organisation name)

In the field "Firma, Name oder Bezeichnung der Organisation" (company name, name or designation of the organisation), enter the full name, the full company name or the designation of the legal person, partnership or other organisation. Do not use abbreviations unless the abbreviation is an official part of the designation of the organisation. Commonly used abbreviations or shortened forms should be given in addition, e.g., in brackets.

Use the name, the company name or the designation as it is usually used, for example, in the commercial register or the online legal information. If the organisation is publicly known by

another designation, provide this too. For other organisations such as networks, platforms or other forms of collective activities, the designation usually used in public, which can clearly be associated with this organisation, is to be entered.

"Rechtsform oder Art der Organisation" (legal form or type of organisation)

Choose the legal form or type of organisation from the **drop-down list**. The legal form of the organisation is usually given in the articles of association, the partnership agreement or the entry in the commercial register.

The following legal forms are available to choose from, although the main heading cannot be freely selected:

"Juristische Person" (legal person)

- "Aktiengesellschaft (AG)" (stock corporation)
- "Gesellschaft mit beschränkter Haftung (GmbH); auch gemeinnützige GmbH (gGmbH)" (limited liability company or non-profit limited liability company)
- "Kommanditgesellschaft auf Aktien" (KGaA) (public partly limited partnership)
- "Unternehmergesellschaft (haftungsbeschränkt); auch UG (haftungsbeschränkt)" (limited liability entrepreneurial company)
- "Eingetragene Genossenschaft (eG)" (registered cooperative society)
- "Eingetragener Verein (e. V.)" (registered association)
- "Rechtsfähige Stiftung bürgerlichen Rechts" (civil-law foundation with legal personality)
- "Körperschaft des öffentlichen Rechts" (corporation under public law)
- "Anstalt des öffentlichen Rechts" (institution under public law)
- "Stiftung öffentlichen Rechts" (foundation under public law)
- "Europäische Aktiengesellschaft (SE)" (European company (SE))
- "Sonstige juristische Person, auch nach anderem als deutschem Recht" (other legal person, including under non-German law)

"Personengesellschaft" (partnership)

- "Gesellschaft des bürgerlichen Rechts (GbR; BGB-Gesellschaft)" (civil-law partnership)
- "Kommanditgesellschaft (KG)" (partly limited partnership)
- "Offene Handelsgesellschaft (OHG)" (general partnership)
- "Partnerschaftsgesellschaft" (partnership company)
- "Sonstige Personengesellschaft" (other partnership)

"Sonstige Personenvereinigungen" (other associations)

- "Nicht rechtsfähiger Verein" (association without legal personality)
- "Andere Rechtsform nach deutschem Recht" (other legal form under German law)
- "Andere Rechtsform nach anderem als deutschem Recht" (other legal form under non-German law)

"Netzwerk, Plattform oder sonstige Form kollektiver Tätigkeit" (network, platform or other form of collective activity)

"Netzwerk, Plattform oder sonstige Form kollektiver Tätigkeit" (network, platform or other form of collective activity)

If the legal form or type of the organisation is not on the list, choose from one of the fields "Sonstige juristische Person" (other legal person), "Sonstige Personengesellschaft" (other partnership), "Andere Rechtsform" (other legal form) or "Netzwerk, Plattform oder andere Form kollektiver Tätigkeit" (network, platform or other form of collective activity) and enter the legal form or type of the organisation in the free text field that will open. Common abbreviations for established legal forms may be used.

Example:

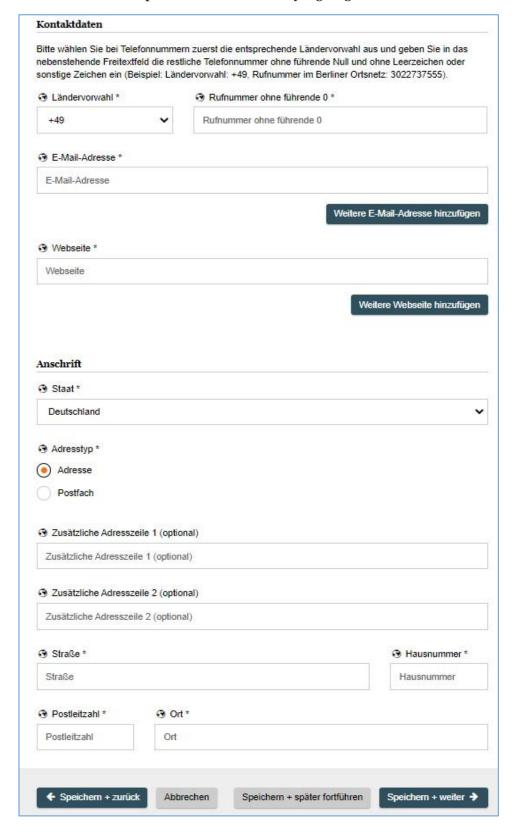
If the organisation has the German limited commercial partnership form GmbH & Co. KG, select "Sonstige Personengesellschaft" (other partnership) and enter "GmbH & Co. KG" in the free text field that will open.

For networks, platforms or other forms of collective activities, the relevant field should be selected and the type of organisation should then be described in more detail in the free text field that will open.

"Kontaktdaten" (contact details)

First enter a telephone number for the representative of special interests, using the **international dialling code** and the **telephone number**.

The telephone number will be published in the Lobbying Register.



"Ländervorwahl" (international dialling code)

The international dialling code for Germany (+49) is pre-selected. If the representative of special interests uses a telephone number with a different international dialling code, select the correct code from the **drop-down list**.

"Rufnummer ohne führende 0" (telephone number without initial 0)

Enter the entire telephone number without the international dialling code and without the initial "0", and with no spaces or symbols. (Example: International dialling code: +49, telephone number to a landline number in Berlin: 3022737555). The same applies to mobile phone numbers.

"E-Mail-Adresse" (email address)

Enter at least one **active** email address for the representative of special interests. Further email addresses can be entered by clicking "Weitere E-Mail-Adresse hinzufügen" (add another email address).

"Webseite" (website)

Enter at least one active website for the organisation. Further websites can be entered by clicking "Weitere Webseite hinzufügen" (add another website). If the organisation does not have a website, please state "Keine Webseite vorhanden" (organisation has no website) in the free text field.

"Anschrift" (address)

In the next step, enter the postal address of the representative of special interests.

"Staat" (country)

First, select the country in which the address is located. Germany is pre-selected as the country. If the address is not in Germany, select the relevant country.

▶ If an address in Germany is to be entered:

"Adresstyp" (type of address)

For an address in Germany, choose whether it is an "Adresse" (physical address) or a "Postfach" (PO box).

> If a physical address is to be entered:

"zusätzliche Adresszeile" (additional address lines) (optional) 1 and 2:

When entering a physical address, use these address lines for additional information if providing the street number and name is not sufficiently clear. You can add information here such as "c/o", "Block B", "Rear building" or "3rd floor" (character limit: 30).

"Straße" (street name)

Enter the street name for the address of the representative of special interests, without the house number (character limit: 30).

"Hausnummer" (house number)

Enter the house number for the address of the representative of special interests.

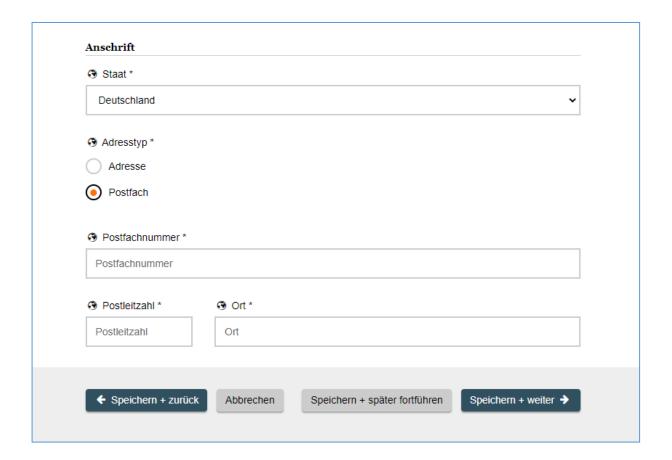
"Postleitzahl" (postcode)

Enter the postcode for the address of the representative of special interests.

"Ort" (town)

Enter the town for the address of the representative of special interests (character limit: 30).

> If a PO box is to be entered:



"Postfachnummer" (PO box number)

Enter only the **PO box number** for the representative of special interests, without adding "PO box". This will be generated automatically by the system. This field will only accept **numerals**.

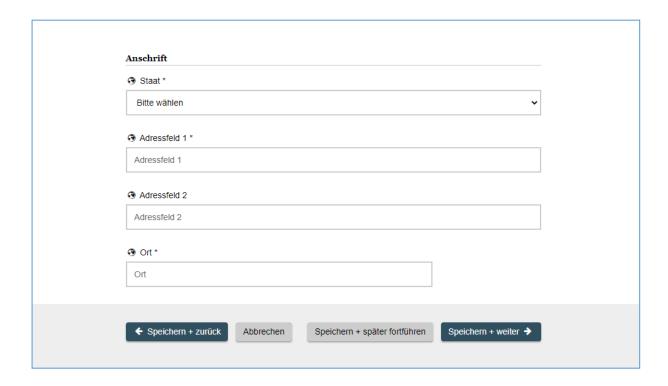
"Postleitzahl" (postcode)

Enter the postcode for the PO box of the representative of special interests.

"Ort" (town)

Enter the town for the PO box of the representative of special interests (character limit: 30).

➤ If an address outside of Germany is to be entered:



If the address of the representative of special interests is in a country other than Germany, first select the relevant country from the drop-down list "Staat" (country).

"Adressfeld" (address field) 1

Enter the address (usually the house number and street name) for the address of the representative of special interests. When entering a physical address, you can also use this address field for additional information if providing the street number and name is not sufficiently clear (character limit: 30).

At least the first of the two address fields must be filled in.

"Adressfeld" (address field) 2

You can use the second address field for additional elements of the address of the representative of special interests, or for entering the street name and house number if the first address field has already been used for additional information (character limit: 30).

"Ort" (town)

Enter the town for the address of the representative of special interests. If a postcode or similar is used in the relevant country, enter this in the free text field too (character limit: 30).

Specific process:

- Enter the company name or the name or designation of the organisation in the field "Firma, Name oder Bezeichnung der Organisation".
- Choose the legal form or type of organisation from the drop-down list "Rechtsform oder Art der Organisation" (legal form or type of organisation). If the legal form or type of the organisation is not listed, go to the appropriate category and select a field with "Sonstige ..." or "Andere ..." (other form or type) and enter the legal form or type of organisation in the free text field that will appear.
- Enter all of the other requested particulars in the input screen.
- Save these particulars by clicking the button "Speichern + weiter" (save + continue).

Obligation to update particulars

Notwithstanding the annual updating requirement according to section 3 (3) sentence 1 of the Lobbying Register Act, according to section 3 (3) sentence 2 of the Lobbying Register Act, changes in the master data of an organisation are to be entered **no later than the end of the quarter following the occurrence of the change**.

According to section 7 (1) no. 3 of the Lobbying Register Act, it is a regulatory offence not to update a particular or not to update it correctly, completely or in good time, whether this is intentional or the result of negligence. According to section 7 (3) of the Lobbying Register Act, the regulatory offence can be punished with a fine of up to fifty thousand euros.

1.2.2 "Vertretung" (representatives)

According to section 3 (1) no. 2 letter (c) of the Lobbying Register Act, representatives of special interests that are **legal persons**, **partnerships or other organisations** must provide information for all "**gesetzliche Vertretungen**" (statutory representatives) or "**sonstige vertretungsberechtigte Personen**" (other authorised representatives).

"<u>Gesetzliche Vertreter/-innen"</u> (statutory representatives) are persons who **fully represent** a legal person or a partnership on the basis of statutory provisions.

Examples:

Legal form	Statutory representative
"Eingetragener Verein (e. V.)" (registered association)	Association board (section 26 (1) of the German Civil Code (Bürgerliches Gesetzbuch, BGB))
"Nicht eingetragener Idealverein" (non-registered non-profit association)	Association board (analogous to section 26 (1) of the Civil Code)
"Wirtschaftlicher Verein" (commercial association)	Association board (section 26 (1) of the Civil Code)
"Gesellschaft bürgerlichen Rechts (GbR)" (civil-law partnership)	All partners together (section 709 (1) of the Civil Code). Depending on the partnership agreement, there is instead the option of a single partner to whom the authority to manage the association has been transferred (sections 710 and 714 of the Civil Code)
"Stiftung bürgerlichen Rechts" (civil-law foundation)	Association board (sections 86 and 26 of the Civil Code)
"Partnerschaftsgesellschaft (PartG)" (partnership company)	Each partner individually, provided that the partnership agreement does not set forth any exception to this (section 7 of the Partnership Companies Act (Partnerschaftsgesellschaftsgesetz, PartGG) in conjunction with section 125 of the German Commercial Code (Handelsgesetzbuch, HGB))
"Eingetragene Genossenschaft (eG)" (registered cooperative society)	Society board (section 25 of the Trade & Industrial Cooperative Societies Act (Genossenschaftsgesetz, GenG))

"Offene Handelsgesellschaft (OHG)" (general partnership)	Each partner individually, provided that the partnership agreement does not set forth any exception to this (section 125 of the Commercial Code)
"Kommanditgesellschaft (KG)" (partly limited partnership)	Each limited partner individually, provided that the partnership agreement does not set forth any exception to this (sections 164, 161 (2), 125 (1) of the Commercial Code)
"Gesellschaft mit beschränkter Haftung (GmbH)" (limited liability company)	Director (section 35 of the Limited Liability Companies Act (Gesetz betreffend die Gesellschaften mit beschränkter Haftung, GmbHG))
"Unternehmergesellschaft (UG (haftungsbeschränkt))" (entrepreneurial company (limited liability))	Director (section 35 of the Limited Liability Companies Act)
"Aktiengesellschaft (AG)" (stock corporation)	Management board (section 78 of the Stock Corporation Act (Aktiengesetz, AktG))
"Kommanditgesellschaft auf Aktien (KGaA)" (public partly limited partnership)	Each limited partner individually, provided that the articles of association do not set forth any exception to this (section 278 (2) of the Stock Corporation Act in conjunction with section 125 (1) of the Commercial Code)
"Europäische Aktiengesellschaft (Societas Europea, SE)" (European company (SE))	Managing director (section 41 of the SE Implementation Act (SE- Ausführungsgesetz - SEAG))

In the case of foreign companies or organisations, representation is governed by the applicable legislation or the relevant company statute.

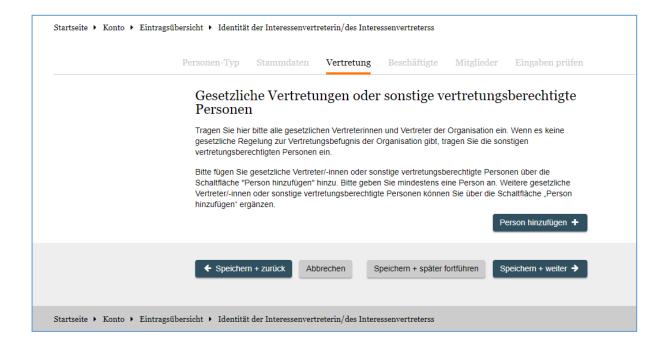
Persons who are granted general commercial power of representation by legal transaction, such as officers granted commercial power of attorney (Prokurist) (sections 48 et seqq. of the Commercial Code) and members of staff with commercial authority to act in accordance with section 54 of the Commercial Code are **not** considered statutory representatives within the meaning of the Lobbying Register Act.

"Sonstige vertretungsberechtigte Personen" (other authorised representatives) need only be entered **if there are no statutory provisions for the representation of the organisation**, in particular because it is a network, a platform or another form of collective activity without legal form. In this case, those persons should be entered who are legally responsible for the activities carried out by the representative of special

interests when engaging in the representation of special interests, or whose power of representation is based on the organisation's internal regulations.

If the representation of special interests has no formal structure, please list as authorised representatives those persons who are entrusted with the representation of special interests within the meaning of the Lobbying Register Act.

If the statutory representative or other authorised representative is an organisation rather than a natural person, please enter the statutory representatives or other authorised representative(s) of this organisation.



Clicking the button "**Person hinzufügen**" (add person) will bring you to the input screen to enter and save information for one authorised representative.

Repeat this process until you have entered the particulars of **all** of the statutory representatives or **all** other authorised representatives.

Important note

When finalising the registration process and during every annual update of the register entry, the authorised representative must confirm that the particulars are correct and complete, that they accept the Code of Conduct, and that they acknowledge the data privacy notices, by signing the "Bestätigungsdokument" (confirmation document), which is provided in PDF format. If the authorised representatives can only represent the organisation jointly, then all representatives registered must sign the document.

If legal or contractual provisions or the articles of association allow for some of, or individuals from among, the authorised representatives to represent the organisation, a signature from that person or those persons is sufficient, together with a reference to the **joint or individual power of representation** of the signatory(ies) (see section 10).



Anrede (Title)

Choose the appropriate title for the representative here ("Herr" (Mr) or "Frau" (Ms)) or select "keine Angabe" (not specified). The title will not be published.

"Akademischer Grad" (academic qualification) (optional)

If academic qualifications are to be entered, enter the academic title that the representative uses **before their forename** (e.g., Dr, Dipl-Ing.) in the first free text field. Professional titles such as Professor and Lawyer can also be entered, if desired. Academic titles that are used **after the surname** (e.g., M.A., LL.M) should be entered in the second free text field. The name will then be published in the register as follows, for example:

"Lawyer Prof. Dr Jane Doe LL.M (Harvard)"

"Familienname" (surname)

Enter the surname of the representative as it is to be published in the Lobbying Register.

"Gebräuchlicher Vorname" (forename that is usually used)

Enter the forename that the representative usually uses as it is to be published in the Lobbying Register.

"Sämtliche Vornamen" (all forenames)

Enter all of the forenames of the representative as they are written on their national ID card or other official identity document. If the representative only has one forename, this forename must be entered again in this field, because the Lobbying Register Act requires all forenames to be provided; additional forenames are not published.

"Funktion in der Organisation" (post within the organisation)

Enter the post that the representative holds within the organisation, e.g., Member of the Management Board or Managing Director.

If the person has a different power of representation, briefly state the person's role, e.g., Spokesperson. Please note that the description of the role cannot exceed 100 characters.

Kontaktdaten (contact details)

The Lobbying Register Act requires **electronic contact details** to be provided for the representatives of the representative of special interests. It is therefore necessary to enter a telephone number where the authorised representative can be contacted and at least one current email address for the authorised representative.

Important note

The contact details provided here **will be published** in the Lobbying Register. It is therefore acceptable to provide a central telephone number and a central or shared email address.

"Ländervorwahl" (international dialling code)

The international dialling code for Germany (+49) is pre-selected. If the representative uses a telephone number with a different country code, select the correct country code from the drop-down list.

"Rufnummer ohne führende 0" (telephone number without initial 0)

Enter the entire telephone number without the international dialling code and without the initial "0", and with no spaces or symbols. (Example: International dialling code: +49, telephone number to a landline number in Berlin: 3022737555). The same applies to mobile phone numbers.

Note: The telephone number will be published in the Lobbying Register. It therefore does not have to be a personal telephone number.

"E-Mail-Adresse" (email address)

Enter at least one **active** email address for the representative. Further email addresses can be entered by clicking "Weitere E-Mail-Adresse hinzufügen" (add another email address).

Note: These email addresses will be published in the Lobbying Register. They therefore do not have to be personal email addresses.

"Speichern" (save)

When you have entered all of the particulars of an authorised representative, click the "Speichern" (save) button. You will be taken to an **overview** of all authorised representatives whose details have been entered. By clicking the relevant symbol, you can edit the particulars of a person entered as a representative, or you can delete this person.

Adding further authorised representatives

To enter further authorised representatives, click again on the "**Person hinzufügen**" (add person) button. You can then enter the details for another authorised representative.

Specific process:

- ➤ If there are statutory representation rules in place for the representative of special interests:
 - Enter the details for a statutory representative in the input screen and click "Speichern" (save).
 - You can add additional statutory representatives by clicking the "Person hinzufügen" (add person) button again.
 - When you have entered **all** statutory representatives, click "Speichern + weiter" (save + continue).
- > If there are no statutory representation rules in place for the representative of special interests:
 - Enter the details for other authorised representatives in the input screen and click "Speichern" (save).
 - You can add additional authorised representatives by clicking the "Person hinzufügen" (add person) button again.
 - When you have entered **all** authorised representatives, click "Speichern + weiter" (save + continue).

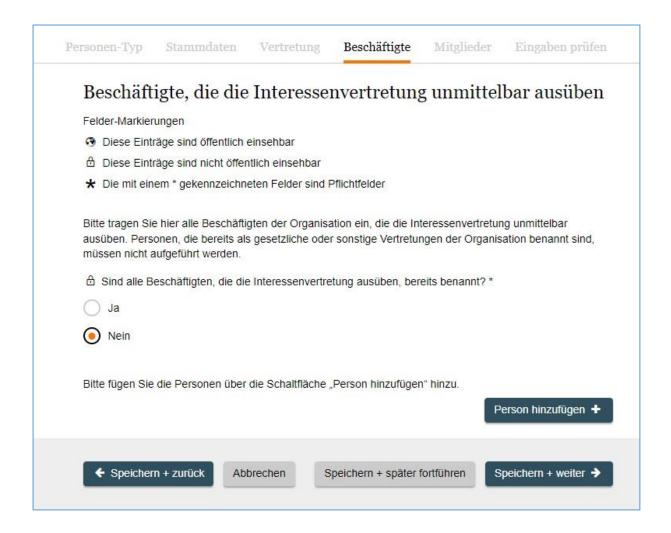
Obligation to update particulars

Notwithstanding the annual updating requirement according to section 3 (3) sentence 1 of the Lobbying Register Act, according to section 3 (3) sentence 2 of the Lobbying Register Act, changes in statutory or other authorised representatives are to be entered **no later than the end of the quarter following the occurrence of the change**.

According to section 7 (1) no. 3 of the Lobbying Register Act, it is a regulatory offence not to update a particular or not to update it correctly, completely or in good time, whether this is intentional or the result of negligence. According to section 7 (3) of the Lobbying Register Act, the regulatory offence can be punished with a fine of up to fifty thousand euros.

1.2.3 "Beschäftigte, die die Interessenvertretung unmittelbar ausüben" (employees engaging directly in the representation of special interests)

According to section 3 (1) no. 2 letter (d) of the Lobbying Register Act, representatives of special interests who enrol in the Lobbying Register as **legal persons**, **partnerships or other organisations** must provide information for each employee engaging directly in the representation of special interests who is not already registered as a (statutory) representative.



All "Beschäftigte" (employees) of the representative of special interests who engage directly in the representation of special interests are to be entered in this input screen **by name**, if they have not already been entered in the previous input screen as (statutory) representatives (see section 1.2.2).

"Beschäftigte" (employees) are in general persons who have a work or employment relationship with the organisation or who carry out an activity subject to instructions and who are integrated into the organisation of work; if the representative of special interests meets this description, then they are considered an employee.

Trainees, interns, volunteers, unpaid consultants etc. must be entered if they engage directly in the representation of special interests for the organisation in question subject to instructions and are integrated into the organisation of work.

Representation of special interests is <u>carried out directly</u> if the employee makes contact with addressees of the representation of special interests in accordance with the Lobbying Register Act in order to directly or indirectly influence the process of formulating aims or taking decisions. Making contact can consist of a personal meeting, a telephone conversation or an email, or, for example, forwarding a position paper. Every meeting or telephone conversation, every email and every instance of sending papers is therefore to be considered making contact.

One process of representation of special interests (e.g., in regard to a specific draft law) can therefore include frequent contact with the same addressee, even if the contact is about the same matter in each case.

Contact does not necessarily have to be made regarding a specific matter. Contact that serves to cultivate relationships with addressees of the representation of special interests (e.g., invitations to social events) is to be considered contact as part of the representation of special interests where it typically serves as a basis, preparatory step or opportunity for exerting specific influence at a later date.

Details must be given for all employees who **regularly** make targeted contact with addressees of the representation of special interests in accordance with the Lobbying Register Act. Contact by an employee on a one-off, incidental basis that cannot be foreseen in advance does not immediately result in an obligation to register this employee if further instances of making (particularly autonomous) contact by this employee are not to be expected. However, if further instances of making contact occur, this employee is also to be enrolled in the Lobbying Register by the end of the following quarter at the latest.

In addition, employees who are present during an instance of making contact **solely to provide expert support**, or employees who simply provide support to other employees engaging directly in the representation of special interests are **not themselves considered to be engaging directly in the representation of special interests.**

However, if such employees make contact independently, or if their contribution clearly goes beyond support or assistance, meaning that these employees can be viewed as persons engaging directly in the representation of special interests, then these employees must also be entered in the register.

Employees who make contact with addressees of the representation of special interests purely to arrange appointments (e.g., secretarial staff) do not have to be named, as making contact of this type is not considered to be making targeted contact for the purposes of representation of specific special interests.

It is also not necessary to provide particulars of employees who participate actively on committees within interest groups on behalf of a company but who do not themselves actively make contact with addressees of the representation of special interests.

Special case: Group of affiliated companies

It is plausible that, within a group of affiliated companies, a contractual or quasi-contractual arrangement could result in an employment relationship between a person and another company within the group. If the person in question is integrated into the organisation of work of the group company that is being entered in the register and is subject to instructions from that company,

then it is irrelevant that the actual working relationship may be with a different company within the group. Such persons are therefore to be entered as employees of the company that is registering as a representative of special interests if they engage directly in the representation of special interests. If the group company that directly employs these persons is also registered as a representative of special interests, then these persons must also be included in the entry for that company if they engage directly in the representation of special interests for that company.

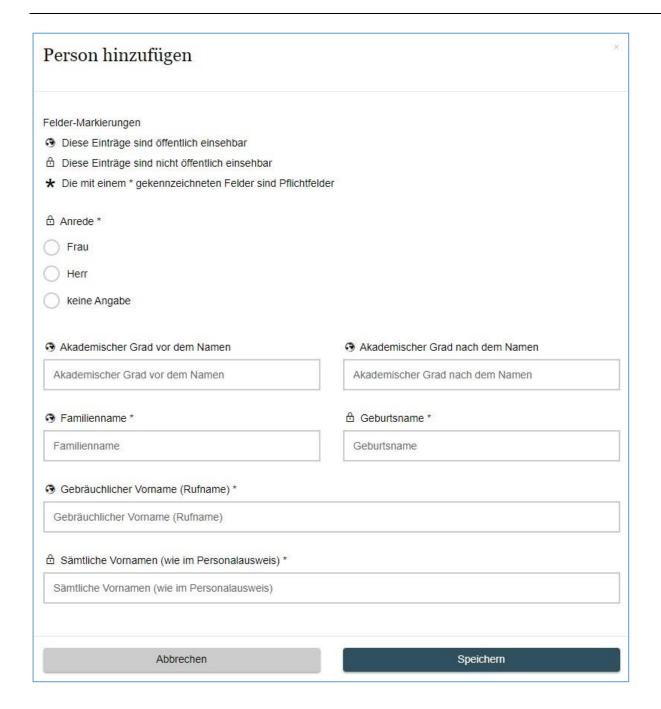
Special case: Association

The members of an association who engage in the representation of special interests for the association need not be entered in the register, as they are not employees of the association.

Process for making an entry

The first step is to answer the question of whether all employees engaging directly in the representation of special interests have already been named as (statutory) representatives ("Sind alle Beschäftigten, die die Interessenvertretung ausüben, bereits benannt?") by selecting "Ja" (yes) or "Nein" (no).

If employees engage directly in the representation of special interests but have not yet been named as (statutory) representatives, select "Nein" (no), click the "Person hinzufügen" (add person) button and enter the particulars of the employee engaging directly in the representation of special interests in the following input screen.



Anrede (Title)

Select the title that applies to the employee ("Herr" (Mr) or "Frau" (Ms)) or select "keine Angabe" (not specified). The title will not be published.

Akademischer Grad (academic qualification)

If academic qualifications are to be entered, enter the academic title that the member of staff uses **before their forename** (e.g., Dr, Dipl-Ing.) in the first free text field. Professional titles such as Professor and Lawyer can also be entered, if desired. Academic titles that are used **after the surname** (e.g., M.A., LL.M) should be entered in the second free text field. The name will then be published in the register as follows, for example: *Lawyer Prof. Dr Jane Doe LL.M (Harvard)*.

"Familienname" (surname)

Enter the surname of the employee as it is to be published in the Lobbying Register.

"Geburtsname" (birth surname)

Enter the birth surname, i.e., the surname that appears on the birth certificate, of the employee. Even if the birth surname is the same as the current surname, the name must be entered again in this field as it is an obligatory field according to the Act and the system cannot differentiate as to whether this is necessary or not.

The birth surname will not be published in the Lobbying Register.

"Gebräuchlicher Vorname" (forename that is usually used)

Enter the forename that the employee usually uses as it is to be published in the Lobbying Register.

"Sämtliche Vornamen" (all forenames)

Enter all of the forenames of the employee as they are written on their national ID card or other official identity document. If the employee only has one forename, this forename must be entered again in this field, because the Lobbying Register Act requires all forenames to be provided; additional forenames are not published. If the forenames are unknown or it would take a disproportionate amount of effort to ascertain them, "nicht bekannt" (unknown) may be entered in this field.

"Speichern" (save)

When you have entered all of the particulars of an employee, click the "**Speichern**" (save) button. You will be taken to an **overview** of all employees whose details have been entered. By clicking the relevant symbol, you can edit the particulars of an employee, or you can delete this person.

Adding additional employees

To enter further employees engaging directly in the representation of special interests, click the "**Person hinzufügen**" (add person) button again. You can then enter the details for another employee.

Specific process:

> If all employees engaging directly in the representation of special interests have already been entered as (statutory) representatives or if no employees engage directly in the representation of special interests:

Answer the question "Sind alle Beschäftigten, die die Interessenvertretung ausüben, bereits benannt?" (Have all employees engaging directly in the representation of special interests already been named?) with "Ja" (yes) and click the "Speichern + weiter" (save + continue) button.

➤ If employees engaging directly in the representation of special interests are to be entered:

- Answer the question "Sind alle Beschäftigten, die die Interessenvertretung ausüben, bereits benannt?" (Have all employees engaging directly in the representation of special interests already been named?) with "Nein" (no) and click the "Person hinzufügen" (add person) button.
- Enter the details for the employee engaging directly in the representation of special interests in the input screen and click "Speichern" (save).
- You can add additional employees engaging directly in the representation of special interests by clicking the "Person hinzufügen" (add person) button again.
- When you have entered all employees engaging directly in the representation of special interests, click "Speichern + weiter" (save + continue).

Obligation to update particulars

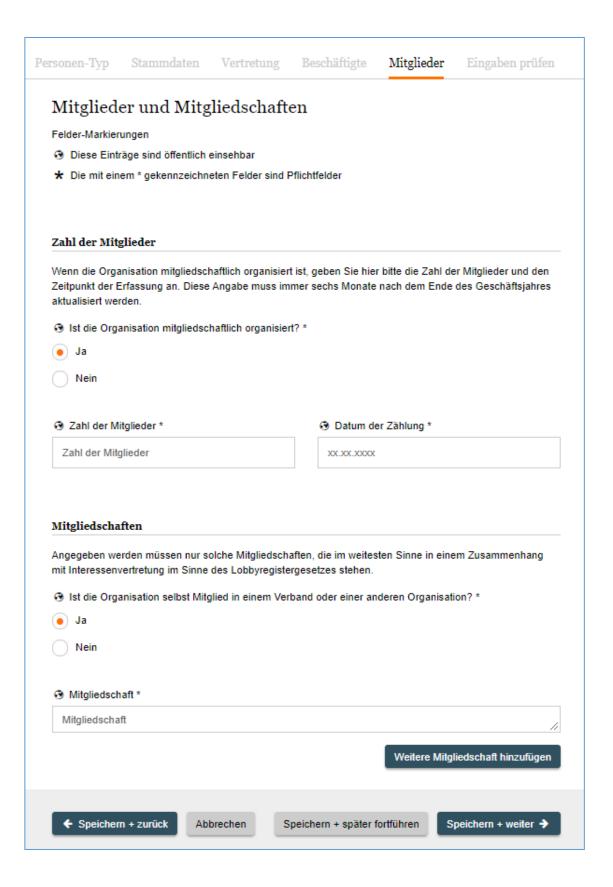
Notwithstanding the annual updating requirement according to section 3 (3) sentence 1 of the Lobbying Register Act, according to section 3 (3) sentence 2 of the Lobbying Register Act, changes in the particulars of employees engaging directly in the representation of special interests are to be entered **no later than the end of the quarter following the occurrence of the change**.

According to section 7 (1) no. 3 of the Lobbying Register Act, it is a regulatory offence not to update a particular or not to update it correctly, completely or in good time, whether this is intentional or the result of negligence. According to section 7 (3) of the Lobbying Register Act, the regulatory offence can be punished with a fine of up to fifty thousand euros.

Although the Lobbying Register Act does not require the particulars to be updated until the end of the relevant quarter, it is helpful to enter the employee **immediately before the intended contact is made** with addressees of the representation of special interests, so that addressees can already find the person in the register entry.

1.2.4 "Mitglieder und Mitgliedschaften" (number of members and memberships)

According to section 3 (1) no. 2 letter (e) of the Lobbying Register Act, representatives of special interests that are registered as **legal persons**, **partnerships or other organisations** must provide information on the **number of members** and on **memberships**.



"Zahl der Mitglieder" (number of members)

You will see the question "Ist die Organisation mitgliedschaftlich organisiert?" (Is the organisation based on membership?). If it is, then select "Ja" (yes) and enter the current number of members in the box "Zahl der Mitglieder" (number of members).

If the representative of special interests is **not an organisation based on membership**, select "**Nein**" (no) and continue to the particulars on "Mitgliedschaften" (memberships).

Only organisations based on membership have "Mitglieder" (members).

In the context of the Lobbying Register Act, this includes in particular **associations** and **cooperative societies**. Members are any natural and legal persons who, by joining the organisation, have taken up a position within the organisation that is governed by rights and obligations (for example, co-determination rights and the obligation to pay membership fees).

Example:

When natural person X joins the association Y, the latter has a new member.

Only the **number of members of the association itself** should be entered.

Example:

If several associations join together under an umbrella organisation, it is only the associations that are counted as members of the umbrella organisation, not the individual members of these associations.

Networks, platforms and other forms of collective activities can also be organised based on membership. The status of members of this type of organisation does not have to be characterised by rights and obligations. If you are unsure of the exact number of members, please enter a figure based on a well-founded estimate provided in good faith.

"Datum der Zählung" (date of counting)

After entering the number of members, use the second field to enter the **date** on which the number of members of the organisation to be registered was counted, in the format day.month.year (DD.MM.YYYY). To provide transparency and to improve the ability to compare, the date will be published in the register. Please choose a date that is not too distant from the date of publication.

> If the representative of special interests is not an organisation based on membership:

- Select the answer "Nein" (no). In this case, there is no need to complete the field "Zahl der Mitglieder" (number of members).
- Continue to the particulars on potential "Mitgliedschaften" (memberships) (see below).

> If the representative of special interests is an organisation based on membership:

- Select the answer "Ja" (yes).
- Enter the "Zahl der Mitglieder" (number of members) of the organisation to be registered. Current particulars should be provided. If the organisation to be registered only carries out a census of its members at specific points in time (for example, when producing its annual accounts/management report), then the number of members at the most recent census can be entered.
- In the second field, enter the date on which the number of members given was counted, in the format day.month.year (DD.MM.YYYY).
- Continue to the particulars on potential "Mitgliedschaften" (memberships) (see below).

"Mitgliedschaften" (memberships)

The second step is to enter information on "<u>Mitgliedschaften</u>" (memberships) of the organisation. First, you will need to state whether the organisation has joined any other organisations based on membership or not. You should then enter the number of memberships, if there are any.

"<u>Mitgliedschaft</u>" (membership) results from joining an organisation that is based on membership (see above), such as an **association**.

Example:

By joining the central association Z, the corporation Y establishes membership of the association.

It is only necessary to enter those memberships that are **related in the broadest sense to the representation of special interests within the meaning of the Lobbying Register Act**. This is also the case, for example, if the organisation of which the representative of special interests is a member does not itself engage in representation of special interests, but provides advice, information or other support for the organisation to carry out the representation of its own special interests. It is **not** necessary to enter **memberships of corporations under public law** that exist **by law**, such as memberships of chambers of commerce and industry.

Please enter the name of the association or organisation of which the organisation is a member in the field "Mitgliedschaft" (membership) in a way that clearly indicates which association or organisation is meant. You may also enter the address or the website of the organisations in question, if you wish.

To subsequently **remove** a membership that has been entered previously, delete the text from the text field and click "Speichern + weiter" (save + continue). Saving will cause empty text fields to be automatically deleted.

Further memberships can be entered by clicking the button "Weitere Mitgliedschaft hinzufügen" (add another membership).

Repeat this process until all of the organisation's relevant memberships have been entered.

> If the representative of special interests is not a member of at least one organisation:

- Select the answer "Nein" (no) to the question "Ist die Organisation selbst Mitglied in einem Verband oder einer anderen Organisation?" (Is the organisation itself a member of an association or another organisation?). If this is the case, no information is required in the section "Mitgliedschaften" (memberships).
- You can finalise this entry category by clicking "Speichern + weiter" (save + continue).

➤ <u>If the representative of special interests is a member of at least one</u> organisation:

- Select the answer "Ja" (yes) to the question "Ist die Organisation selbst Mitglied in einem Verband oder einer anderen Organisation?" (Is the organisation itself a member of an association or another organisation?) and enter the name or designation of the organisation of which the representative of special interests has a membership that is **related in the broadest sense to the representation of special interests within the meaning of the Lobbying Register Act.** You may also enter the address or the website of the organisation in question in the text field after the name of the organisation, if you wish.
- If the representative of special interests has memberships of other organisations, please click "Weitere Mitgliedschaft hinzufügen" (add another membership). A new input field will appear in which you can enter the particulars of other memberships. Repeat this process for all memberships for which the particulars are required.
- When you have entered all of the particulars of existing memberships, you can finalise the entry category by clicking "Speichern + weiter" (save + continue).

Obligation to update particulars

Notwithstanding the annual updating requirement according to section 3 (3) sentence 1 of the Lobbying Register Act, particulars of number of members and memberships according to section 3 (3) sentences 4 and 5 of the Lobbying Register Act must be updated **no later than six months after the end of the financial year** to which they relate.

This means that particulars of number of members and memberships must be updated at the latest at the same time as the particulars of annual financial expenditure for representation of special interests (see section 5), of allowances and grants from the public purse and of gifts from third parties (see sections 6 and 7). The annual accounts/management report for legal persons for the previous financial year must also be updated no later than six months after the end of the financial year.

According to section 7 (1) no. 3 of the Lobbying Register Act, it is a regulatory offence not to update a particular or not to update it correctly, completely or in good time, whether this is

intentional or the result of negligence. According to section 7 (3) of the Lobbying Register Act, the regulatory offence can be punished with a fine of up to fifty thousand euros.

2. "Beschreibung der Tätigkeit sowie Benennung der Interessen- und Vorhabenbereiche" (description of activity/listing of area of interests and objectives)

According to section 3 (1) no. 3 of the Lobbying Register Act, representatives of special interests must provide information on their **area of interest and objectives** and provide a **description of their activity.**

This applies both to representatives of special interests who are registered as **natural persons** and to representatives of special interests who are registered as **legal persons**, **partnerships or other organisations**.

2.1 "Tätigkeitskategorie" (category of activity)



First select from the following list the category of activity that best describes the activity of the representative of special interests. If the activity of the representative of special interests could come under more than one category of activity, choose the category of activity that best represents the **focus area** of the activity in which the representation of special interests takes place. You may select only one category.

The following categories are available to describe the activity.

"Unternehmen" (company)

This category includes companies (e.g., stock corporations or limited liability companies) that carry out their own representation of special interests (e.g., through an in-house PR department) or that commission others to engage in representation of special interests on their behalf.

For companies whose activities focus on the representation of special interests on behalf of others, select the category of activity "Beratungsunternehmen" (consultancy company).

- "Wirtschaftsverband oder Gewerbeverband/-verein" (business association or trade association)
- "Arbeitgeberverband" (association of employers)
- "Arbeitnehmerverband" (association of employees)
- "Berufsverband" (professional association)
- "Beratungsunternehmen, selbständige Beraterin oder selbständiger Berater" (consultancy company or independent consultant)
- "Anwaltskanzlei, Einzelanwältin oder Einzelanwalt" (law firm or lawyer practising individually)

This category includes partnership companies of lawyers.

- "Nichtstaatliche Organisation (Nichtregierungsorganisation, Plattform oder Netzwerk)" (non-governmental organisation, platform or network)
- "Denkfabrik, Forschungseinrichtung oder Hochschule" (think tank, research institution or university)
- "Kirche oder andere Religions- oder Weltanschauungsgemeinschaft" (church or other community based on religious or philosophical creeds)
- "Öffentlich-rechtliche Organisation (z. B. Körperschaften, Anstalten und Stiftungen des öffentlichen Rechts)" (public-law organisations (e.g., corporations, institutions and foundations under public law))
- "Privatrechtliche Organisation mit Gemeinwohlaufgaben (z. B. eingetragene Vereine, Stiftungen)" (private-law organisation for the common good (e.g., registered associations, foundations))
- O "Privatperson" (private individual)
- "Sonstige Organisation" (other organisation)

If none of the specific category labels fits the activity of the representative of special interests, select "Sonstige Organisation" (other organisation) and provide a brief description of the organisation in the input field that will open.

- Select the category of activity that best describes the activity of the representative of special interests. If more than one category of activity could be used, select the category that best represents the focus area of the activity in which the representation of special interests takes place.
- If none of the categories is appropriate, select "Sonstige Organisation" (other organisation) and provide a brief description of the organisation.
- Click "Speichern + weiter" (save + continue).

Obligation to update particulars

According to section 3 (3) sentence 1 of the Lobbying Register Act, particulars of the category of activity must be updated at least once per year. According to section 7 (1) no. 3 of the Lobbying Register Act, it is a regulatory offence not to update a particular or not to update it correctly, completely or in good time, whether this is intentional or the result of negligence. According to section 7 (3) of the Lobbying Register Act, the regulatory offence can be punished with a fine of up to fifty thousand euros.

2.2 "Interessenbereiche" (areas of interest)

In the following section, select the policy areas on which the **representation of special interests will focus in the coming months** (until the entry is next updated).

Only enter those areas that will be the **main focus** of the representation of special interests. These particulars can be changed at any time if the focus of the representation of special interests changes.

ätigkeit	Interessen	Beschreibung der Tätigkeit	Gesetzesvorhaben	Eingaben prüfen
Inter	essenbere	iche		
denen di einem In	ie Interessenvertr iteressenbereich (folgenden Interessenbereichen und etung im Schwerpunkt ausgeübt wi Unterbereiche zur Verfügung stehei immer ein oder mehrere Unterbere	rd. Mehrfachauswahl ist m n, kann der Oberbereich a	nöglich. Sofern zu
Felder-IV	1arkierungen			
O Dies	e Einträge sind ö	fentlich einsehbar		
★ Die r	mit einem * geken	nzeichneten Felder sind Pflichtfeld	er	
	senbereiche	eichen wird die Interessenvertretun	ng im Schwarnunkt ausgai	liht2
Zu welch		eichen wird die Interessenvertretun	ig <mark>im</mark> Schwerpunkt ausget	übt?
Zu welch	nen Interessenber essenbereiche: *	eichen wird die Interessenvertretun gung (enthält Unterbereiche)	ig im Schwerpunkt ausgei	übt?
Zu welch	nen Interessenber essenbereiche: * veit und Beschäftig			übt?
Zu welch	nen Interessenber essenbereiche: * veit und Beschäftig	gung (enthält Unterbereiche)		übt?
Zu welch Intere Arb Auf	nen Interessenber essenbereiche: * veit und Beschäftig 3enpolitik und inte 3enwirtschaft	gung (enthält Unterbereiche)		übt?
Zu welch Intere Arb Auf Auf Bild	nen Interessenber essenbereiche: * veit und Beschäftig 3enpolitik und inte 3enwirtschaft	gung (enthält Unterbereiche) ernationale Beziehungen (enthält Ui ng (enthält Unterbereiche)		übt?
Zu welch Intere Arb Auf Auf Bild Bur	nen Interessenber essenbereiche: * veit und Beschäftig Benpolitik und inte Benwirtschaft dung und Erziehu ndestag (enthält U	gung (enthält Unterbereiche) ernationale Beziehungen (enthält Ui ng (enthält Unterbereiche)		übt?

At least one area of interest must be selected.

The areas of interest listed are initially structured into **area headings**. The grouping of subjects within each area heading is based on the **Documentation and Information System for Parliamentary Material (DIP)** [https://dip.bundestag.de/] of the Bundestag and the Bundesrat. In the future, it should also be possible to directly display the latest parliamentary materials presented to the German Bundestag relating to the area heading by clicking the heading in question.

Most area headings also contain "Unterbereiche" (sub-areas) to enable more specific differentiation. Those area headings that have no sub-areas can be selected directly as areas of interest by checking the box.

The area headings that also contain sub-areas are labelled "enthält Unterbereiche" (includes sub-areas) to make this clear. The sub-areas are displayed when the box is checked beside the area heading. The area headings that contain sub-areas cannot be chosen as standalone selections. If representation of special interests is carried out in relation to an area heading that contains sub-areas, then **at least one sub-area** must always be selected. It is also possible to select all sub-areas under an area heading.

Example:

✓ U	mwelt (enthält Unterbereiche)
	Artenschutz/Biodiversität
	Immissionsschutz
	Klimaschutz
	Nachhaltigkeit und Ressourcenschutz
	Tierschutz
	Sonstiges im Bereich "Umwelt"

It is not possible to simply select the area heading "Umwelt" (environment). Attempting to do so will cause the following error message:

"Bitte wählen Sie mindestens einen Unterbereich aus in allen von Ihnen ausgewählten Oberbereichen mit dem Zusatz "(enthält Unterbereiche)"". (Please select at least one sub-area under all area headings you have selected that are marked "enthält Unterbereiche" (includes sub-areas)).

Important note

Please note that if an **area heading includes sub-areas, then selecting the area heading alone is not sufficient.** If you check the box beside an area heading that has sub-areas, only the relevant sub-areas will be displayed.

The areas of interest are listed below in alphabetical order as area headings and sub-areas.

You can select from the following areas of interest:

	o de la companya de
"Arbei	it und Beschäftigung (enthält Unterbereiche)" (work and employment (includes eas))
	"Arbeitsmarkt" (labour market)
	"Arbeitsrecht/Arbeitsbedingungen" (labour law/working conditions)
	"Sonstiges im Bereich Arbeit und Beschäftigung" (other matters in the area of work and employment)
	npolitik und internationale Beziehungen (enthält Unterbereiche)" (foreign and international relations (includes sub-areas))
	"Außenpolitik" (foreign policy)
	"Auswärtige Kultur- und Bildungspolitik" (cultural relations and education policy)
	"Internationale Beziehungen" (international relations)
	"Menschenrechte" (human rights)
	"Sonstiges im Bereich Außenpolitik und internationale Beziehungen" (other matters in the area of foreign policy and international relations)
" A O	1 600 (6 1)

"Bildu sub-ar	ing und Erziehung (enthält Unterbereiche)" (training and education (includes reas))
	"Berufliche Bildung" (vocational education)
	"Hochschulbildung" (higher education)
	"Schulische Bildung" (school education)
	"Vorschulische Bildung" (pre-school education)
	"Sonstiges im Bereich Bildung und Erziehung" (other matters in the area of training and education)
"Bund	lestag (enthält Unterbereiche)" (Bundestag (includes sub-areas))
	"Parlamentarisches Verfahren" (parliamentary procedure)
	"Rechtsstellung der Abgeordneten" (legal status of Members of the Bundestag)
	"Wahlrecht" (voting rights)
	"Sonstiges im Bereich Bundestag" (other matters in the area of the Bundestag)
"Deuts	sche Einheit (enthält Unterbereiche)" (German unity (includes sub-areas))
	"Aufarbeitung SED-Unrecht" (addressing the legacy of the SED dictatorship)
	"Gewährleistung gleichwertiger Lebensverhältnisse" (ensuring equivalent living conditions)
	"Sonstiges im Bereich Deutsche Einheit" (other matters in the area of German unity)
"Energ	gie (enthält Unterbereiche)" (energy (includes sub-areas))
	"Allgemeine Energiepolitik" (general energy policy)
	"Atomenergie" (nuclear energy)
	"Energienetze" (energy networks)
	"Erneuerbare Energien" (energy from renewable sources)
	"Fossile Energien" (energy from fossil fuels)
	"Sonstiges im Bereich Energie" (other matters in the area of energy)
"Entw	icklungspolitik" (development policy)
	papolitik und Europäische Union (enthält Unterbereiche)" (European policy and rropean Union (includes sub-areas))
	"EU-Binnenmarkt" (EU internal market)
	"EU-Gesetzgebung" (EU legislation)
	"Gemeinsame Außen- und Sicherheitspolitik der EU" (Common Foreign and Security Policy of the European Union)
	"Institutionelle Fragen der EU" (EU institutional affairs)
	"Polizeiliche und justizielle Zusammenarbeit" (police and judicial cooperation)
	"Sonstiges im Bereich Europapolitik und Europäische Union" (other matters in the area of European policy and the European Union)

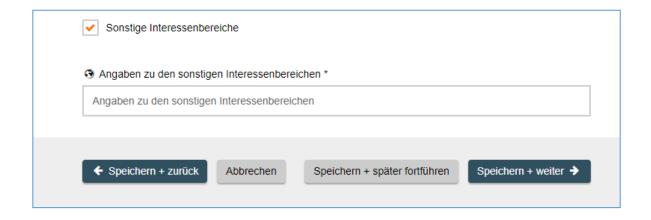
	llschaftspolitik und soziale Gruppen (enthält Unterbereiche)" (societal policy
and so	ocial groups (includes sub-areas))
	"Diversitätspolitik" (diversity policy)
	"Familienpolitik" (family policy)
	"Geschlechterpolitik" (gender policy)
	"Kinder- und Jugendpolitik" (policy on children and youth)
	"Rechte von Menschen mit Behinderung" (rights of people with disabilities)
	"Religion/Weltanschauung" (religion/philosophical creed)
	"Seniorenpolitik" (policy on senior citizens)
	"Sonstiges im Bereich Gesellschaftspolitik und soziale Gruppen" (other matters in the area of societal policy and social groups)
"Gesu	ndheit (enthält Unterbereiche)" (health (includes sub-areas))
	"Arzneimittel" (pharmaceutical products)
	"Gesundheitsförderung" (health promotion)
	"Gesundheitsversorgung" (health care)
	"Pflege" (care)
	"Sonstiges im Bereich Gesundheit" (other matters in the area of health)
"Inner	re Sicherheit (enthält Unterbereiche)" (internal security (includes sub-areas))
	"Bevölkerungsschutz und Katastrophenhilfe" (civil protection and disaster relief)
	"Cybersicherheit" (cyber security)
	"Extremismusbekämpfung" (combating extremism)
	"Kriminalitätsbekämpfung" (combating crime)
	"Opferschutz" (victim protection)
	"Terrorismusbekämpfung" (counter-terrorism)
	"Sonstiges im Bereich Innere Sicherheit" (other matters in the area of internal security)
"Kultı	ır" (culture)
	wirtschaft und Ernährung" (enthält Unterbereiche)" (food and agriculture des sub-areas))
	"Fischerei/Aquakultur" (fisheries/aquaculture)
	"Land- und Forstwirtschaft" (agriculture and forestry)
	"Lebensmittelsicherheit" (food safety)
	"Lebens- und Genussmittelindustrie" (food products, beverage and tobacco industry)
	"Sonstiges im Bereich Landwirtschaft und Ernährung" (other matters in the area of food and agriculture)

	en, Kommunikation und Informationstechnik" (enthält Unterbereiche) (media, unication and information technologies (includes sub-areas))
	"Datenschutz und Informationssicherheit" (data privacy and information security)
	"Digitalisierung" (digital transformation)
	"Internet politik" (internet policy)
	"Kommunikations- und Informationstechnik" (communications and information technologies)
	"Massenmedien" (mass media)
	"Meinungs- und Pressefreiheit" (freedom of opinion and of the press)
	"Urheberrecht" (copyright)
	"Werbung" (advertising)
	"Sonstiges im Bereich Medien, Kommunikation und Informationstechnik" (other matters in the area of media, communication and information technologies)
	ation, Flüchtlingspolitik und Integration (enthält Unterbereiche)" (migration, ee policy, and integration (includes sub-areas))
	"Asyl und Flüchtlingsschutz" (asylum and refugee protection)
	"Ausländer- und Aufenthaltsrecht" (law on foreigners and right of residence)
	"Integration" (integration)
	"Migration" (migration)
	"Sonstiges im Bereich Migration, Flüchtlingspolitik und Integration" (other matters in the area of migration, refugee policy and integration)
	ntliche Finanzen, Steuern und Abgaben" (public finances, taxes and other butions)
"Politi	isches Leben und Parteien" (political life and political parties)
	nordnung, Bau- und Wohnungswesen (enthält Unterbereiche)" (regional ing, construction and housing (contains sub-areas))
	"Bauwesen und Bauwirtschaft" (construction and the construction industry)
	"Ländlicher Raum" (rural areas)
	"Stadtentwicklung" (urban development)
	"Wohnen" (housing)
	"Sonstiges im Bereich Raumordnung, Bau- und Wohnungswesen" (other matters in the area of regional planning, construction and housing)
"Rech	t (enthält Unterbereiche)" (law (includes sub-areas))
	"Öffentliches Recht" (public law)
	"Rechtspolitik" (legal policy)
	"Strafrecht" (criminal law)
	"Zivilrecht" (civil law)
	"Sonstiges im Bereich Recht" (other matters in the area of law)

Ш	"Sozia	ile Sicherung (enthalt Unterbereiche)" (social security (includes sub-areas))
		"Arbeitslosenversicherung" (unemployment insurance)
		"Grundsicherung" (basic income support)
		"Krankenversicherung" (health insurance)
		"Pflegeversicherung" (long-term care insurance)
		"Rente/Alterssicherung" (pension/retirement provision)
		"Unfallversicherung" (accident insurance)
		"Sonstiges im Bereich Soziale Sicherung" (other matters in the area of social security)
		t, Freizeit und Tourismus (enthält Unterbereiche)" (sport, leisure and tourism des sub-areas))
		"Breitensport" (sports for all)
		"Profisport" (professional sport)
		"Tourismus" (tourism)
		"Sonstiges im Bereich Sport, Freizeit und Tourismus" (other matters in the area of sport, leisure and tourism)
		und Verwaltung (enthält Unterbereiche)" (government and administration des sub-areas))
		"Öffentlicher Dienst und öffentliche Verwaltung" (public service and public administration)
		"Staatsorganisation" (organisation of the State)
		"Verwaltungstransparenz/Open Government" (transparency of the administration/open government)
		"Sonstiges im Bereich Staat und Verwaltung" (other matters in the area of government and administration)
	"Umw	relt (enthält Unterbereiche)" (environment (includes sub-areas))
		"Artenschutz/Biodiversität" (conservation of species/biodiversity)
		"Immissionsschutz" (immission control)
		"Klimaschutz" (climate change mitigation)
		"Nachhaltigkeit und Ressourcenschutz" (sustainability and resource conservation)
		"Tierschutz" (animal protection)
		"Sonstiges im Bereich Umwelt" (other matters in the area of the environment)
	"Verk	ehr (enthält Unterbereiche)" (transport (includes sub-areas))
		"Güterverkehr" (freight transport)
		"Luft- und Raumfahrt" (aerospace)
		"Personenverkehr" (passenger transport)
		"Schienenverkehr" (rail transport)
		"Schifffahrt" (shipping)
		"Straßenverkehr" (road transport)
		"Verkehrsinfrastruktur" (transport infrastructure)
		"Verkehrspolitik" (transport policy)
		"Sonstiges im Bereich Verkehr" (other matters in the area of transport)

□ "Verteidigung (enthält Unterbereiche)" (defence (includes sub-areas))
\square "Bundeswehrangelegenheiten" (matters regarding the Bundeswehr)
\square "Rüstungsangelegenheiten" (matters regarding arms)
☐ "Verteidigungspolitik" (defence policy)
\square "Sonstiges im Bereich Verteidigung" (other matters in the area of defence)
□ "Wirtschaft (enthält Unterbereiche)" (business (includes sub-areas))
☐ "Automobilwirtschaft" (automotive industry)
☐ "Bank- und Finanzwesen" (banking and finance)
☐ "E-Commerce" (e-commerce)
\square "Handel und Dienstleistungen" (trade and services)
☐ "Handwerk" (crafts and trades)
☐ "Industriepolitik" (industrial policy)
☐ "Kleine und mittlere Unternehmen" (SMEs)
☐ "Verbraucherschutz" (consumer protection)
☐ "Versicherungswesen" (insurance)
☐ "Wettbewerbsrecht" (competition law)
\square "Sonstiges im Bereich Wirtschaft" (other matters in the area of business)
\square "Wissenschaft, Forschung und Technologie" (science, research and technology)
□ Other areas of interest

In the unlikely event that an area of interest for which representation of special interests is carried out cannot be categorised into any of the available area headings, or if it is essential to enter an additional area of interest that is not on the list, please check the box "Sonstige Interessenbereiche" (other areas of interest).



You can then use the input field to provide particulars of **other areas of interest** that are not listed. If you would like to add more than one other area of interest in which representation of special interests is carried out, **please separate the areas using a semicolon (;)**. These particulars will also be published in the Lobbying Register.

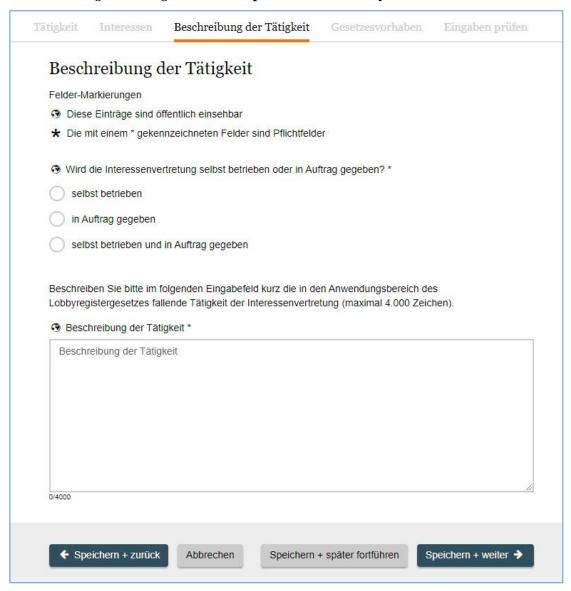
- First, select the area heading under which the representative of special interests engages in the representation of special interests.
- Where the area heading is followed by the note "(enthält Unterbereiche)" (includes sub-areas), select at least one sub-area for each area heading you have selected.
- When you have entered all areas of interest, click "Speichern + weiter" (save + continue).

Obligation to update particulars

According to section 3 (3) sentence 1 of the Lobbying Register Act, particulars of the area of interest must be updated **at least once per year**.

According to section 7 (1) no. 3 of the Lobbying Register Act, it is a regulatory offence not to update a particular or not to update it correctly, completely or in good time, whether this is intentional or the result of negligence. According to section 7 (3) of the Lobbying Register Act, the regulatory offence can be punished with a fine of up to fifty thousand euros.

2.3 "Beschreibung der Tätigkeit" (description of the activity)



In addition to the selected category of activity (see section 2.1), this section provides a free text field for you to describe the specific activity carried out by the representative of special interests when engaging in the representation of special interests. First, you should state whether the representation of special interests is "selbst betrieben" (carried out by the registrant), "in Auftrag gegeben" (commissioned), or "selbst betrieben und in Auftrag gegeben" (both).

Representation of special interests is "<u>in Auftrag gegeben</u>" (commissioned) when a representative of special interests does not influence the process of formulating aims or taking decisions by the bodies, Members, parliamentary groups or groupings of the German Bundestag or by the Federal Government themselves (or, within organisations, this is not carried out by the organisation's representatives or members of staff), but rather, commissions others to represent special interests on their behalf. Support in preparing the representation of special interests by third parties that does not involve making contact with addressees of the representation of special interests is not considered "commissioning" the representation of special interests.

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 need to be explicit. A quid pro quo, 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 from a third party.

First, you should state whether the representation of special interests is "selbst betrieben" (carried out by the registrant), "in Auftrag gegeben" (commissioned), or "selbst betrieben und in Auftrag gegeben" (both).

"Beschreibung der Tätigkeit" (description of the activity)

The Lobbying Register Act requires a comprehensive description of the activity carried out by the representative of special interests when engaging in the representation of special interests. Please enter general information on the objective and the means of carrying out the representation of special interests.

Please do not enter specific instances of making contact or the names of addressees. Particulars of specific events, publications and the specific type of contact made are also not required.

Please use the free text field to describe the activity of representation of special interests within the scope of application of the Lobbying Register Act (character limit: 4,000).

Example:

The organisation XY is an association of local citizen initiatives. It addresses potential for improvement in transport and environmental policy and fosters dialogue between citizens, businesses and the political sphere. To do this, it organises specialist conferences, discussion groups and similar events aimed at encouraging debate. The organisation's objective is to ensure that the interests of citizens and the general public are central to legislative and other political decision-making processes in the field of transport and environmental policy. To create the conditions for this, XY is in constant dialogue with citizens and with representatives of the academic community, the media, business and the political sphere.

All characters that comply with **DIN SPEC 91379** are permitted. Please ensure, particularly when copying and pasting text, that the text entered only contains permitted characters. Please note in particular that the en dash (–) is not a permitted character, and use the hyphen (-) instead.

- Select whether the representation of special interests carried out by the representative of special interests is "selbst betrieben" (carried out by the registrant), "in Auftrag gegeben" (commissioned), or "selbst betrieben und in Auftrag gegeben" (both).
- In the free text field, describe the activity of the representative of special interests when engaging in this task, using a maximum of 4,000 characters.
- Click "Speichern + weiter" (save + continue).

Obligation to update particulars

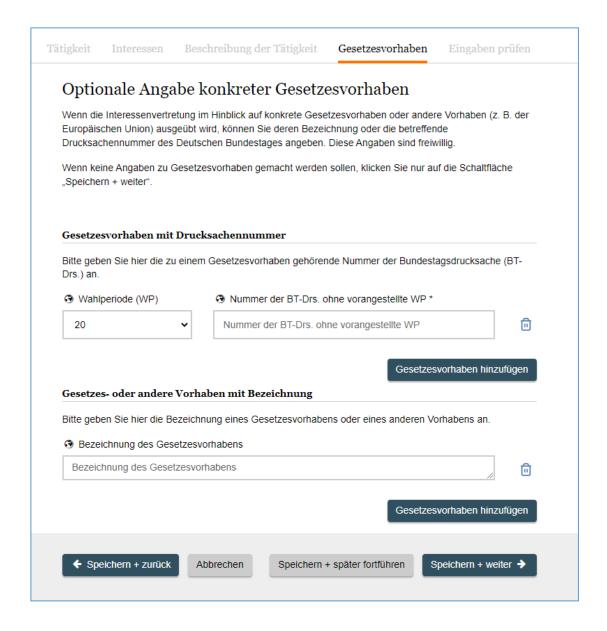
According to section 3 (3) sentence 1 of the Lobbying Register Act, the description of the activity must be updated **at least once per year**.

According to section 7 (1) no. 3 of the Lobbying Register Act, it is a regulatory offence not to update a particular or not to update it correctly, completely or in good time, whether this is intentional or the result of negligence. According to section 7 (3) of the Lobbying Register Act, the regulatory offence can be punished with a fine of up to fifty thousand euros.

2.4 "Optionale Angabe konkreter Gesetzesvorhaben" (optional information on specific draft laws)

Reference can be made to specific draft laws to help describe the representation of special interests. These particulars are **voluntary**; the Lobbying Register Act does not set out any requirements in this regard.

The Bundestag printed paper number or a description or name of the specific draft law may be provided. Particulars in the Lobbying Register regarding the area of interests and objectives are complete and sufficient without the inclusion of this optional information.



"Gesetzesvorhaben mit Drucksachennummer" (draft law with printed paper number)

If a specific draft law is to be entered with printed paper number, under the heading "Gesetzesvorhaben mit Drucksachennummer" (draft law with printed paper number), click the button "Gesetzesvorhaben hinzufügen" (add draft law) and complete the fields that are then displayed.

"Wahlperiode (WP)" (electoral term)

From the drop-down list, select the electoral term in which the printed paper with the specific draft law was published. At present, only printed papers from the 20th electoral term may be selected.

"Nummer der BT-Drs. ohne vorangestellte WP" (number of the Bundestag printed paper without electoral term prefix)

Enter the number of the printed paper without the electoral term prefix or forward slash.

Example:

For the Act amending the Infection Protection Act and other acts in response to the lifting of the national epidemic state of emergency (BT printed paper 20/15), select "Wahlperiode" (electoral term) "20" and enter the "Nummer der BT-Drs." (Bundestag printed paper number) "15". The system will then automatically display the Bundestag printed paper number "20/15".

If additional draft laws with printed paper numbers are to be entered, click the button "Gesetzesvorhaben hinzufügen" (add draft law) again.

"Gesetzes- oder andere Vorhaben mit Bezeichnung" (draft law or other project, with name or description)

If a specific project is to be entered without a Bundestag printed paper number, e.g., a draft law that has not yet been brought before the Bundestag, click under the heading "Gesetzes- oder andere Vorhaben mit Bezeichnung" (draft law or other project with name or description) on the button "Vorhaben hinzufügen" (add project) and complete the field that will be displayed. Enter the title or as exact a description as possible of the project in the free text field. If additional projects are to be entered, click the button "Vorhaben hinzufügen" (add project) again.

Specific process:

- If a draft law is to be entered with printed paper number, under the heading "Gesetzesvorhaben mit Drucksachennummer" (draft law with printed paper number), click the button "Gesetzesvorhaben hinzufügen" (add draft law). Then select the "Wahlperiode" (electoral term) and enter the "Nummer der BT-Drs. ohne vorangestellte WP" (printed paper number without electoral term prefix).
- If projects are to be entered without a printed paper number, click under the heading "Bezeichnung des Gesetzesvorhabens" (title or description of the draft law) on the button "Gesetzesvorhaben hinzufügen" (add draft law) and enter the title or as exact a description as possible of the project or draft law.
- You may also enter draft laws with printed paper numbers <u>and</u> draft laws with title/description.
- If no specific draft laws are to be entered, click directly on the button "Speichern + weiter" (save + continue).

3. "Identität von Auftraggeberinnen und Auftraggebern" (identity of clients whose special interests the registrant represents)

According to section 3 (1) no. 4 of the Lobbying Register Act, representatives of special interests must provide details of the **identity of clients on whose behalf the representation of special interests is carried out.** The particulars required are those listed in section 3 (1) nos. 1 and 2 letters (a) to (c) of the Lobbying Register Act (cf. sections 1.1 and 1.2 to 1.2.2).

This obligation applies both to representatives of special interests who are registered as **natural persons** and to representatives of special interests who are registered as **legal persons**, **partnerships or other organisations**.



First, answer the question "Wird die Interessenvertretung <u>im Auftrag betrieben?</u>" (Is the representation of special interests carried out on behalf of a client?) with "Ja" (yes) or "Nein" (no).

Representation of special interests is "<u>im Auftrag betrieben</u>" (carried out on behalf of a client) if a representative of special interests influences the process of formulating aims or taking decisions by the bodies, Members, parliamentary groups or groupings of the German Bundestag or by the Federal Government not in their own interest, but rather in the interest of a third party. This is the case, for example, if a consultancy agency is commissioned to represent the interests of a company vis-à-vis the political sphere.

A contractual relationship between the representative of special interests and the third party is additionally required in such cases. This does not need to be a written contract, nor does it necessarily need to be explicit. A quid pro quo, 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 special interests is commissioned by a third party.

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. When enrolling in the Lobbying Register, the association therefore does not need to state that it is carrying out the representation of special interests on behalf of others if it only represents the special interests of its membership as a whole.

The situation can be different if a member of the association makes payments to the interest group beyond the general membership fees in order to obtain or to enable representation of the member's own interests by the association.

Special case: Group of affiliated companies

Within a group of affiliated companies, it is possible that the parent company represents the interests of a subsidiary company in equal measure because it engages in representation of special interests for all of the group companies.

If there is no contractual basis for this and the subsidiary company does not reimburse the parent company for any costs incurred in the representation of special interests, then no contractual relationship is considered to exist for which the particulars are required.

However, if the subsidiary company reimburses the parent company for costs incurred in the representation of special interests or if the costs are billed in any other way within the group, this is an indication, even if there is no explicit contractual regulation to this end, that the subsidiary company commissions the parent company to represent its interests. In such situations, the parent company may also be required to register this contractual relationship.

Special case: Lawyers representing special interests on behalf of their clients

If lawyers are subject to an obligation to register because the exemption under section 2 (2) no. 8 of the Lobbying Register Act does not apply, they must also enter the clients whose special interests they represent within the meaning of the Lobbying Register Act. The duty of confidentiality does not apply in this case.

Important note

If no exemptions apply, then according to section 1 (4) in conjunction with section 2 (1) of the Lobbying Register Act, the **client whose interests the registrant represents is also subject to an obligation to register.** The information they are required to provide under section 3 (1) no. 4 of the Lobbying Register Act coincides largely with the information that the clients are also under the obligation to publish.

It is therefore recommended that clients be **notified in good time of the obligation to register** and the information that is to be provided for this. By communicating with the client whose special interests the registrant represents, you can ensure that the register entry is complete and correct.

In the future, it will be possible to enter the register number of clients who are themselves entered in the Lobbying Register and to link the different entries, so that continuous checking of whether the particulars of the client whose special interests the registrant represents have changed will no longer be necessary.

If there are contractual relations in place, use the input screen to indicate whether the clients are solely natural persons (option 1, "Interessenvertretung wird nur für natürliche Personen als Auftraggeber/innen betrieben"), solely legal persons, partnerships or other organisations (option 2, "Interessenvertretung wird nur für juristische Personen, Personengesellschaften oder sonstige Organisationen als Auftraggeber/innen betrieben"), or whether they come from both groups (option 3, "Interessenvertretung wird sowohl für natürliche Personen als auch für juristische Personen, Personengesellschaften oder sonstige Organisationen als Auftraggeber/innen betrieben").

If you are having difficulty with these classifications, please refer to the explanations in section 1.

Confirm your selection by clicking the button "Speichern + weiter" (save + continue).

Bitte geben Sie die Auftragg	geberinnen oder Auftraggeber an, für die Interessenvertretung betrieben wird. '
Interessenvertretung wird	nur für natürliche Personen als Auftraggeber/-innen betrieben.
Organisationen als Auftrag	nur für juristische Personen, Personengesellschaften oder sonstige ggeber/-innen betrieben.
Interessenvertretung wird	sowohl für natürliche Personen als auch für juristische Personen,
Personengesellschaften o	oder sonstige Organisationen als Auftraggeber/-innen betrieben.
Personengesellschaften o	oder sonstige Organisationen als Auftraggeber/-innen betrieben.

According to section 3 (1) no. 4 of the Lobbying Register Act, different particulars are required depending on your selection.

> If you are only providing details of the identity of clients who are natural persons:

According to section 3 (1) no. 4 of the Lobbying Register Act, the particulars that must be provided on the identity of clients whose interests are represented who are natural persons are those listed under section 3 (1) no. 1 of the Lobbying Register Act.

You can therefore apply the explanations in **section 1.1** above, with the proviso that all forenames of the client must be entered if these are known or can be ascertained with reasonable effort. If this is not possible, please enter "nicht bekannt" (not known) in the field.

> If you are only providing details of the identity of clients who are *legal persons*, partnerships or other organisations:

According to section 3 (1) no. 4 of the Lobbying Register Act, the particulars that must be provided on the identity of clients whose interests are represented who are legal persons, partnerships or other organisations are those listed under section 3 (1) no. 2 letters (a) to (c) of the Lobbying Register Act. Please note that there are **two parts** to entering each client.

In the first step, please enter the *master data for all legal persons, partnerships or other organisations* as clients whose interests are represented. Please refer to the explanations in **section 1.2.1** for guidance. You can add additional clients using the button "Auftraggeber/-innen hinzufügen" (add clients). When you have entered all of the relevant information, click "Speichern + weiter" (save + continue).

In the next step, enter the particulars of the client's "gesetzlichen Vertreter/-innen" (statutory representatives) or "sonstigen vertretungsberechtigten Personen" (other authorised representatives). You can apply the explanations in section 1.2.2 on statutory representatives and other authorised representatives here with the proviso that all forenames of the representative must be entered if these are known or can be ascertained with reasonable effort. If this is not possible, please enter "nicht bekannt" (not known) in the field.

> If you are providing details of the identity of both clients who are natural persons and clients who are legal persons, partnerships or other organisations:

In this case both input screens, which can be selected using the relevant tabs, are displayed.

Please refer to the explanations in **section 1.1** on natural persons, to those in **section 1.2.1** on legal persons, partnerships or other organisations, and to the explanations in **section 1.2.2** on statutory representatives or other authorised representatives.

In the case of natural persons and statutory representatives or other authorised representatives, the explanations should be applied with the proviso that all forenames must be entered if these are known or can be ascertained with reasonable effort. If this is not possible, please enter "nicht bekannt" (not known) in the field.

- Answer the question "Wird die Interessenvertretung im Auftrag betrieben?" (Is the representation of special interests carried out on behalf of a client?) with "Ja" (yes) or "Nein" (no).
- If the representation of special interests is carried out (at least in part) on behalf of a client, enter the details for each client.
- Check the relevant box to state whether the clients are solely natural persons (option 1, "Interessenvertretung wird nur für natürliche Personen als Auftraggeber/innen betrieben"), solely legal persons, partnerships or other organisations (option 2, "Interessenvertretung wird nur für juristische Personen, Personengesellschaften oder sonstige Organisationen als Auftraggeber/innen betrieben"), or whether they come from both groups (option 3, "Interessenvertretung wird sowohl für natürliche Personen als auch für juristische Personen, Personengesellschaften oder sonstige Organisationen als Auftraggeber/innen betrieben").

If the clients are solely natural persons:

- Click "Auftraggeber/-in hinzufügen" (add client) and enter the required master data in the input screen (cf. section 1.1). Finalise the entry by clicking "Speichern" (save).
- Repeat this process for each additional client.
- When you have entered all clients, finalise the entry category by clicking "Speichern + weiter" (save + continue).

➤ If the clients are solely legal persons, partnerships and other organisations:

- Click "Auftraggeber/-in hinzufügen" (add client) and enter the required master data in the input screen (cf. section 1.2.1). Finalise the entry by clicking "Speichern" (save).
- Repeat this process for each additional client.
- When you have entered all clients, finalise the entry category by clicking "Speichern + weiter" (save + continue).
- Now provide the required particulars of the statutory representative or other authorised representative of each client entered (cf. section 1.2.2).
- When you have provided the particulars of all statutory representatives or other authorised representatives of the organisations entered, finalise the entry category by clicking "Speichern + weiter" (save + continue).

> If the clients are both natural persons and legal persons, partnerships and other organisations:

• First, provide all of the required information for all natural persons using the process described above.

- Then provide all of the required information for all legal persons, partnerships and other organisations using the process described above.
- Finalise the entry category by clicking "Speichern + weiter" (save + continue).

Obligation to update particulars

If there are any changes regarding clients whose interests the registrant represents (for example, a new contractual relationship, termination of a contractual relationship or changes in the required particulars) these must be entered **without delay** under section 3 (3) sentence 3 of the Lobbying Register Act.

Changes are considered to have been entered "without delay" if they are entered with no undue delay. If any difficulties emerge hindering immediate entry of changes, then every effort must be made to enter the changes as soon as possible. It is therefore important to ensure that relevant information is available in good time, for example, by coordinating with the clients of the registrant, so that this information can be entered in the register without delay.

Example:

New clients for whom the registrant engages in the representation of special interests must be entered in the register at the latest when the representation of special interests within the meaning of the Lobbying Register Act begins on their behalf on a contractual basis.

According to section 7 (1) no. 3 of the Lobbying Register Act, it is a regulatory offence not to update a particular or not to update it correctly, completely or in good time, whether this is intentional or the result of negligence. According to section 7 (3) of the Lobbying Register Act, the regulatory offence can be punished with a fine of up to fifty thousand euros.

4. "Anzahl der Beschäftigten im Bereich der Interessenvertretung" (number of employees involved in the representation of special interests)

According to section 3 (1) no. 5 of the Lobbying Register Act, representatives of special interests must provide information on the **number of their employees involved in the representation of special interests** in intervals of ten employees.

This applies both to representatives of special interests who are registered as **natural persons** and to representatives of special interests who are registered as **legal persons**, **partnerships or other organisations**.



Enter the **number of <u>employees</u>** involved in the representation of special interests in the box marked "Anzahl der Beschäftigten Personen" (number of persons employed). This number should include both persons who **engage directly** in the representation of special interests and persons who provide **regular support with the substance of representation of special interests**. The **range** (of ten employees) resulting from the number entered will be displayed automatically beside the input field in the field "Wird im Lobbyregister veröffentlicht als" (will be published in the Lobbying Register as) and will be shown in the register entry only as a range.

The number of employees should be entered in terms of **headcount**, **regardless of whether the employee works full- or part-time** and of the proportion of their working hours the person in question dedicates to the representation of special interests. There is no minimum limit in the Act.

If staff turnover means there is a change in employee in a position involved in the representation of special interests, only one person should be taken into account per position.

Important note

The Lobbying Register only requires the total number of employees involved in the representation of special interests, in intervals of ten employees.

However, please take into account that the Bundestag Administration may be required to check at a later date during potential regulatory offence proceedings whether (intentionally or as a result of negligence) the particulars were incorrect or incomplete, or were not entered in good time (cf. section 7 of the Lobbying Register Act).

It is therefore advisable to create **internal documentation** of the individual persons included in this total figure, so that this can be communicated to the Bundestag Administration at a later date for checking purposes. Such documentation should be kept.

The documentation created can be used later in the entry process for calculating the **annual financial expenditure for representation of special interests** (cf. section 5), because this figure includes the individual personnel costs for these persons.

"Beschäftigte" (employees) are in general persons who have a work or employment relationship with the organisation or who carry out an activity subject to instructions and who are integrated into the organisation of work; if the representative of special interests meets this description, then they are considered an employee.

Trainees, interns, volunteers, unpaid consultants etc. must be included if they provide support with the substance of representation of special interests for the natural person or organisation entered in the register, subject to instructions, and are integrated into the organisation of work.

Persons who carry out support tasks in the representation of special interests are, however, only to be included if they assist, carry out research for, or provide suggestions to the employees engaging directly in the representation of special interests, or contribute in another way to the **substance of representation of special interests**.

Persons who are solely and exclusively involved, for example, in making appointments, in catering, in minute-taking or in other purely ancillary tasks are not considered to provide support with the substance of representation of special interests and do not need to be included. It can also generally be assumed that **short-term** interns do not provide support with the substance of representation of special interests.

Special case: Group of affiliated companies

It is plausible that, within a group of affiliated companies, there may be a contractual or quasi-contractual arrangement resulting in an employment relationship between a person and another company within the group. If the activity of the person in question in regard to support for the representation of special interests is integrated into the organisation of work of the group company that is being entered in the register and is subject to instructions from that company, then it is irrelevant that the actual working relationship may be with a different company within the group.

Such persons are therefore also to be included as employees of the company that is registering as a representative of special interests if they are involved in the representation of special interests.

If the group company that directly employs these persons is also registered as a representative of special interests, then these persons must also be taken into account in the entry for that company if they are also involved in the representation of special interests carried out by that company.

Special case: Association

The members of an association who engage in the representation of special interests for the association need not be entered in the register as they are not members of staff of the association. The statutory representatives of an association also need not be included if they carry out their tasks as volunteers and are not employed by the association.

Obligation to update particulars

According to section 3 (3) sentence 1 of the Lobbying Register Act, particulars of the number of employees involved in the representation of special interests must be updated **at least once per year**.

If significant changes take place in the course of the year, the entry should also be updated more frequently than once each year to ensure that the register is kept as up to date as possible. There is, however, no legal obligation to update the entry for the number of employees more frequently that once per year.

According to section 7 (1) no. 3 of the Lobbying Register Act, it is a regulatory offence not to update a particular or not to update it correctly, completely or in good time, whether this is intentional or the result of negligence. According to section 7 (3) of the Lobbying Register Act, the regulatory offence can be punished with a fine of up to fifty thousand euros.

► If the representative of special interests is a natural person:

Count the persons, besides the representative of special interests themselves, who contribute in any way to the substance of representation of special interests, including regularly assisting, researching, making suggestions or providing regular support in any other way to the representation of special interests.

➤ If the representative of special interests is a legal person, partnership or other organisation:

- If the organisation has **employees engaging directly in the representation of special interests** (cf. section 1.2.3) whom it is required to name, these employees should be included first.
- The number of **(statutory or other authorised) representatives** of the organisation who are to be registered should be added to this where they are employees of the organisation and regularly, even if only periodically, engage in the representation of special interests themselves.
- In addition, all employees should be taken into account who **contribute to the substance of representation of special interests** in any way, including by regularly assisting, carrying out research for or providing suggestions to the employees engaging directly in the representation of special interests, or provide support in another way to the representation of special interests.

Having calculated the number of employees in this way, please enter the figure as a **whole number** in the input screen. The resulting **range** (in intervals of ten employees) will be displayed automatically to the right of the input field in the field "Wird im Lobbyregister veröffentlicht als" (will be published in the Lobbying Register as) and will be shown in the register entry **only as a range**.

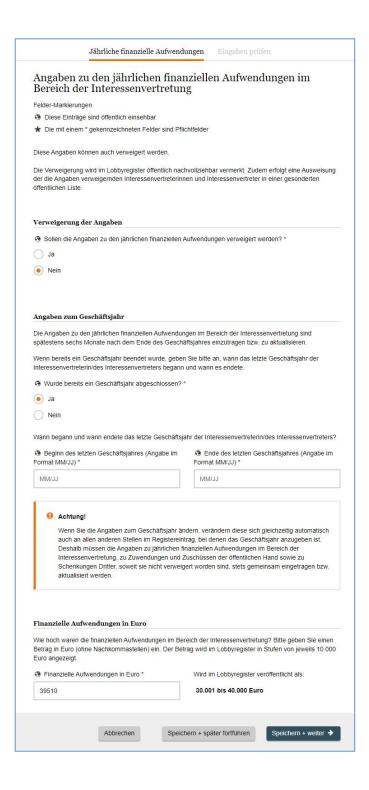
Example:

If you enter 16 employees, the range "11 bis 20 Beschäftigte" (11 to 20 employees) will be displayed and published.

5. "Jährliche finanzielle Aufwendungen im Bereich der Interessenvertretung" (annual financial expenditure for representation of special interests)

According to section 3 (1) no. 6 in conjunction with (3) sentence 4 of the Lobbying Register Act, representatives of special interests must provide particulars of **financial expenditure in the field of representation of special interests for the last financial year**, in intervals of EUR 10,000.

This applies both to representatives of special interests who are registered as **natural persons** and to representatives of special interests who are registered as **legal persons**, **partnerships or other organisations**.



Special case: Group of affiliated companies

According to the principle of separability in German law, groups of affiliated companies or other groups of undertakings are not obligated to register in the Lobbying Register. Only the individual, independent group companies must be registered.

The parent and subsidiary companies are therefore always to be considered separately in the Lobbying Register. Each company is to be entered separately in the register if the legal requirements are met.

Within a group of affiliated companies, it is possible that the parent company represents the interests of the subsidiary companies in equal measure because it engages in representation of special interests for the group as a whole.

If this is the case, the subsidiaries do not reimburse the costs incurred by the parent company in engaging in the representation of special interests, and the subsidiary companies do not engage in any representation of special interests on their own behalf, then only the parent company needs to be entered in the Lobbying Register. The parent company then includes all financial expenditure for the representation of special interests for the entire group in its entry in the Lobbying Register.

If costs incurred by the parent company for the representation of special interests are reimbursed by a subsidiary company, then this indicates that the subsidiary company is also engaging in its own representation of special interests through the parent company. If this is the case, then the subsidiary company must enrol independently in the Lobbying Register, because it commissions the representation of special interests on its behalf within the meaning of section 1 (4) of the Lobbying Register Act. The parent company must list the subsidiary company as a "client" in its register entry.

When calculating the financial expenditure of the parent company, these costs can be **deducted** if both group companies are subject to an obligation to register, because these costs are incurred only once within the group. Conversely, where costs are incurred at subsidiary companies that are not subject to an obligation to register, for example, as a result of the provision of personnel free of charge to the parent company for the representation of special interests, these costs are to be taken into account in the entry for the parent company.

The same thing applies if a subsidiary company engages in representation of special interests for other subsidiary companies in the group, or for the parent company.

"Verweigerung der Angaben" (withholding of particulars)

According to section 3 (2) of the Lobbying Register Act, the particulars regarding financial expenditure may be withheld. A reason may be provided for withholding this information. Providing a reason is voluntary. If a reason is provided, then the reason is published in the register.

If particulars are withheld, the representation of special interests may continue, but the following **consequences** will apply:

- The withholding is noted in the Lobbying Register and the entry is included in a separate public list (section 3 (2) sentences 2 and 3 of the Lobbying Register Act).
- Registrants withholding information may not publicly use the designation "registered representative of special interests" ("registrierte Interessenvertreterin" or "registrierter Interessenvertreter") (section 5 (9) of the Lobbying Register Act).
- Registrants withholding information may not participate as providers of information in public hearings of German Bundestag committees (section 6 (2) of the Lobbying Register Act).
- Involvement in draft bills of registered representatives of special interests under section 47 of the Joint Rules of Procedure of the Federal Ministries (*Gemeinsame Geschäftsordnung der Bundesministerien*, GGO) is not permitted when particulars are withheld (section 6 (3) of the Lobbying Register Act).
- The German Bundestag may reserve the right not to issue access permits to representatives of special interests due to the withholding of particulars (section 6 (1) sentence 1 of the Lobbying Register Act).
- On their initial targeted contact with addressees of the representation of special interests under section 1 (1) and (2) of the Lobbying Register Act, representatives of special interests must indicate that particulars have been withheld (section 5 (5) sentence 2 of the Lobbying Register Act).

According to section 2 (5) sentence 2 of the Lobbying Register Act, these consequences also apply if particulars are withheld from a **voluntary entry** in the Lobbying Register.

"Angaben zum Geschäftsjahr" (particulars for the financial year)

If the particulars are not withheld, then the first step is to enter the period to which the particulars of financial expenditure apply.

Important note

If the particulars for the financial year have already been entered at another point in the entry or updating process (cf. sections 6 and 7), this field in the input screen will be **prepopulated** with that information.

If the particulars for the last financial year are changed in the prepopulated field, then these will at the same time automatically be changed at the other points of the registry entry where the financial year is given. This means that particulars of annual financial expenditure for representation of special interests, of allowances and grants from the public purse and of gifts from third parties (cf. sections 6 and 7), where they are not withheld, must always be entered and/or updated at the same time.

As according to section 3 (3) sentence 4 of the Lobbying Register Act the particulars for financial expenditure are to be *updated* no later than six months after the end of the financial year, then the basis for these figures should always be the <u>financial year</u> that has just ended for the representative of special interests.

The <u>financial year</u> is the relevant period, typically of 12 months, for determining the information required here. Every representative of special interests will have a financial year in regard to their activity in the representation of special interests. Private individuals also have a financial year, in the form of the fiscal year according to tax law (in Germany: 1.1 - 31.12). The last financial year is therefore usually the same as the last calendar year (1.1 - 31.12).

The situation is different if, on the basis of legislation such as commercial law, company law, law of association or tax law, different calculation periods apply by way of exception or the representative of special interests has the option to select a different calculation period by way of exception and they have made use of this option. However, even in these cases, the financial year never lasts for more than 12 months.

Example:

An association's valid constitution specifies that the association's financial year runs from 1.6 to 31.5 of the following year.

In the first input field, enter the start of the financial year that applies to the particulars given, in the format *month/year (MM/YY)* and in the second input field, enter the end of the same financial year, also in the format *month/year (MM/YY)*.

Example:

An entry is made on 15 February 2022. The relevant last financial year is the same as the last calendar year, so 01/21 should be entered in the first field and 12/21 in the second field. If an incomplete financial year is to be entered, for instance because the relevant activity was only started during the last calendar year, for example, on 15 June 2021, then 06/21 should be entered in the first field and 12/21 in the second.

In the case of initial entries in the Lobbying Register, if the **information on the last financial year is not yet available** <u>and</u> **it is less than six months since the end of that financial year**, then as an exception, the <u>previous</u> financial year may be used.

In this case, the particulars of financial expenditure, as well as of allowances and grants from the public purse, from the **second-last financial year** should be used. According to section 3 (3) sentence 4 of the Lobbying Register Act, however, these particulars are to be **updated no later than six months after the end of the financial year to which they relate**.

Special case: Start of activity

If at the time of registration in the Lobbying Register a representative of special interests does not yet have records for a financial year because they began their business activity during the current calendar year, then select the option "Es wurde noch kein Geschäftsjahr abgeschlossen" (no financial year has ended since the start of activity).

"Finanzielle Aufwendungen" (financial expenditure)

The next step is to enter the actual financial expenditure on representation of special interests during the period of the financial year given above, **as whole numbers** (in euros with no decimal places). The resulting range (in intervals of EUR 10,000) will be displayed automatically to the right of the input field in the field "Wird im Lobbyregister veröffentlicht als" (will be published in the Lobbying Register as) and will be shown in the register entry only as a range.

Financial expenditure encompasses those items accounted for as **costs**. Please enter **all costs** that were incurred during the financial year in question as a result of activity in the representation of special interests within the meaning of the Lobbying Register Act.

Please note that only those costs are to be entered that were actually incurred for the representation of special interests within the meaning of the Lobbying Register Act.

Representation of special interests also includes those activities that are considered exceptions to the obligation to register under section 2 (2) and (3) of the Lobbying Register Act.

Section 2 (2) and (3) of the Lobbying Register Act only regulate exceptions to the obligation to register among activities that are essentially classed as representation of special interests within the meaning of the Lobbying Register Act. This means that costs for activities that are exempt under section 2 (2) and (3) of the Lobbying Register Act are to be classified and included as costs incurred during the representation of special interests within the meaning of section 3 (1) no. 6 of the Lobbying Register Act. This applies both to representatives of special interests who register voluntarily under section 2 (5) of the Lobbying Register Act and to representatives of special interests who are subject to an obligation to register because they are additionally engaged in representation of special interests that is not subject to an exemption.

The **actual expenditure** is always to be used for this calculation. For personnel costs, this means that as well as gross salaries, all employer's contributions and indirect labour costs are to be included.

If the person subject to the obligation to register is **entitled to deduct input tax**, then the gross amount of expenditure minus all deductible input tax is to be used in line with general accounting and bookkeeping principles. VAT is in this case ultimately not an expense. If the person is not entitled to deduct input tax or if expenses were incurred without input tax, then the gross amounts are to be used for the calculation, as these represent the actual expenditure.

The financial expenditure to be entered can be categorised into **five cost groups**:

- Personnel costs (I.)
- Infrastructure costs (II.)
- Representation costs (III.)
- Costs for external consultancy and support services (IV.)
- Other costs for the representation of special interests (V.)

Important note

Only the total amount of financial expenditure is to be given in the Lobbying Register itself, in intervals. However, please take into account that the Bundestag Administration may be required to check at a later date during potential regulatory offence proceedings whether (intentionally or as a result of negligence) the particulars were incorrect or incomplete, or were not entered in good time (cf. section 7 of the Lobbying Register Act).

It is therefore advisable to create and store **internal documentation** of the individual items on which the intervals of the annual financial expenditure are based, so that these can be communicated to the Bundestag Administration at a later date for checking purposes. When compiling this documentation, please base it on the cost groups described below.

I. Personnel costs

Personnel costs should be calculated that are attributable to those persons who were active in the representation of special interests during the time period given above.

When calculating these personnel costs, all persons are to be taken into account who were included in the particulars under the "Anzahl der Beschäftigten im Bereich der Interessenvertretung" (number of employees involved in the representation of special interests) (section 4). Engagement in the representation of special interests applies not just to those persons who, as agent of the representative of special interests, make direct contact with addressees of the representation of special interests, but also those who are deployed in the **preparation or initiation of such contact** by providing support with the substance of representation of special interests.

Personnel costs should therefore be included for the following groups of persons:

- The (statutory or other authorised) representatives of the organisation who are to be registered (cf. section 1.2.2), where these are employees of the organisation and regularly, even if only periodically, engage in the representation of special interests themselves.
- Employees who engage directly in the representation of special interests and are therefore to be named (cf. section 1.2.3).
- All other employees who **contribute to the substance of representation of special interests** in any way, including by regularly assisting, carrying out research for or providing suggestions to the employees engaging directly in the representation of special interests, or providing support in another way to the representation of special interests.

In the first instance, <u>direct personnel costs</u> are to be included, for example in the form of salaries, subsidies, holiday and Christmas allowances, bonus and commission payments, and all other benefits paid directly to the employees.

These direct personnel costs are to be calculated **individually for the persons in question**. **It is not permitted** to use the general calculation of **average personnel costs** for the whole organisation as a basis, because this would not take adequate account of the legal requirement to provide the specific financial expenditure for the representation of special interests.

If a person is only **partially occupied** with the representation of special interests within the meaning of the Lobbying Register Act, then the personnel costs are to be taken into account **proportionally**. If the exact proportion of a person's activities consisting of the representation of special interests to be taken into account cannot be ascertained clearly, then it is permissible to calculate the percentage that the representation of special interests makes up of their activities **on the basis of a well-founded estimate provided in good faith**.

Example:

If an employee only engages in the representation of special interests within the meaning of the Lobbying Register Act on three out of every five working days, then 60 percent of the personnel costs incurred for this employee should be included in the calculation of financial expenditure.

To these costs should be added **indirect personnel costs (indirect labour costs)**, such as employer contributions for health, care, unemployment, retirement and accident insurance, contributions to employers' liability insurance, and contributions for continued salary payment in case of illness, as parental allowance or as insolvency allowance.

Ideally, these should be calculated **individually for each person to be taken into account**.

However, to avoid disproportionate effort, particularly in the case of larger organisations, it is acceptable to determine the indirect personnel costs on the basis of a general percentage figure, which in case of doubt can be based on a well-founded estimate provided in good faith, taken from the combined direct personnel costs, and to use this for the total personnel costs.

Special case: Self-employed representatives of special interests

Self-employed representatives of special interests who engage in the representation of special interests on their own behalf or represent these interests on behalf of others should only take into account costs for anyone that they might employ as personnel costs. Neither their own time and labour nor the amount that they bill their clients should be included in this figure.

II. Infrastructure costs

In addition to personnel costs, costs for the provision of any infrastructure necessary for the activities of the persons taken into account in the representation of special interests should be included. These may be, for example:

- Rental costs
- Utilities
- IT equipment
- Office equipment and other physical resources
- Maintenance and cleaning costs
- Company car costs

Costs for production, sales, procurement and other activities contributing to the object of the company outside of the representation of special interests are not to be taken into account in the calculation of financial expenditure.

Infrastructure costs should also be determined as **individually and specifically as possible for the representation of special interests** within the meaning of the Lobbying Register Act. A **proportional calculation** should be made again in this case, if appropriate.

Example:

If half of an office building is used for the purposes of preparing and carrying out the representation of special interests, then 50 percent of the running costs and maintenance costs or the rental costs incurred from this building, as well as 50 percent of costs for equipment, should be taken into account.

However, to avoid disproportionate effort, particularly in the case of larger organisations, it is acceptable to determine the **total infrastructure costs incurred in the administration department of the company/the organisation as a basis**, to divide this figure by the total number of employees in the organisation in the administration department, and to multiply the resulting figure by the number of persons working in the area of representation of special interests.

The actual proportional activity of persons involved in the representation of special interests which was calculated when determining personnel costs is to be used for this

calculation, *not* the headcount to be entered in section 4. Staff turnover is to be duly taken into account.

In the case of expenditure liable to depreciation, the depreciation applied for the year in each case, including special depreciation allowances and other effects, is to be included in the calculation.

III. Representation costs

In addition, expenditure for the relevant representation activity in the broadest sense is to be included in total financial expenditure, provided that this applies to the representation of interests within the meaning of the Lobbying Register Act. This includes, for example:

- Costs for organising and carrying out own events that (at least additionally) are intended to facilitate making contact with addressees of the representation of special interests within the meaning of the Lobbying Register Act, for example, parliamentary evenings
- Registration costs for events at which contact is to be made with addressees of the representation of special interests
- Travel costs incurred during the representation of special interests
- Hospitality costs incurred during the representation of special interests
- Costs for publicity campaigns or other publications where these apply to the representation of special interests

Special case: Public advertising measures

Expenditure for general advertising or publicity work for the products or services of a company, another organisation or a registered natural person are as a rule not to be included.

However, the situation can be different if the advertising measure or campaign (also) aims to encourage other persons or organisations to make contact with addressees of the representation of special interests in the Bundestag and the Federal Government to bring specific concerns to their attention (e.g., postcard campaigns).

In individual cases, this may be considered "indirectly influencing" the process of formulation of aims or taking decisions conducted by the bodies, Members, parliamentary groups or groupings of the German Bundestag or by the Federal Government within the meaning of section 1 (3) of the Lobbying Register Act, in which case associated costs are also to be included as financial expenditure on representation of special interests.

In addition, costs for public **newspaper advertising campaigns** directed specifically at addressees of the representation of special interest within the meaning of the Act (for example, the newspaper advertisement placed by the

association Forum Ziviler Friedensdienst e. V. of 20 October 2021 in the newspaper "Der Tagespiegel" on page 3: "Sehr geehrte Frau Baerbock, sehr geehrter Herr Scholz, sehr geehrter Herr Lindner..." ("Dear Ms Baerbock, Dear Mr Scholz, Dear Mr Lindner..."), or costs for "open letters" to specific addressees within the meaning of the Lobbying Register Act, are to be included in full, because these advertising campaigns and letters are to be considered making direct contact within the meaning of the Lobbying Register Act.

Here again, only those costs are to be included that apply directly to the representation of special interests. This means, for example, that an organisation holding its own event that, alongside purely subject-specific purposes, is *also* to be used for the representation of special interests (such as events to which Members of the Bundestag are also invited) should include proportional costs (which in case of doubt can be based on a well-founded estimate provided in good faith) in its representation costs.

Example:

If, during a five-day event, on one half-day Members of the Bundestag are invited on a tour with no other participants, then representation costs for the event of 10 percent of the total costs should be included.

IV. Costs for external consultancy and support services

Costs for obtaining external consultancy and support services related to the representation of special interest are also to be included. These may be, for example:

- Costs for specific contracts with third parties for the representation of special interests where the contractor is obligated to enrol in the register as providing representation of special interests for a client whose particulars must also be included in the register
- Costs for other external consultancy or support services (e.g., legal opinions
 or other scientific expertise) which, based on the contract content, are
 provided and used at least additionally for preparing or carrying out own
 activities related to the representation of special interests; where applicable,
 proportional costs should be used if, based on the contract content, the
 consultancy or support services are not solely related to the representation of
 special interests

V. Other costs for representation of special interests

Finally, the last cost group should be used to compile any other costs that have not yet been included in other groups but that are to be considered expenditure for the representation of special interests. These may be:

• Costs for employee training in the field of representation of special interests

- Costs for internal events (e.g., working group meetings within associations), provided that these events are intended at least in part as preparation or support for activities related to the representation of special interests
- Costs for membership of the associations or networks listed in section 1.2.4 which are related to the representation of special interests in the broadest sense

Here again, a **proportional calculation** should be made, which in case of doubt can be based on a well-founded estimate provided in good faith, if costs are only attributable in part to the representation of special interests.

Example:

If only 50 percent of the overall activity of an association is dedicated to the representation of special interests, then its members should only include 50 percent of the association membership fees in their own financial expenditure on representation of special interests.

Specific process:

- If the particulars are not to be withheld, first enter the "Geschäftsjahr" (financial year) that applies to the particulars given.
- Then compile **internal documentation** on the financial expenditure for representation of special interests in the financial year given, on the basis of the cost groups that are explained in detail above, and calculate a specific **total amount in euros**.
- Enter the **total amount as a whole number** without decimals in the field "finanzielle Aufwendungen in Euro" (financial expenditure in euros). The resulting range (in intervals of EUR 10,000) will be displayed automatically to the right of the input field in the field "Wird im Lobbyregister veröffentlicht als" (will be published in the Lobbying Register as) and will be shown in the register entry only as a range.

Example:

If you enter EUR 39,510, then the range EUR 30,001 to EUR 40,000 will be published in the Lobbying Register.

• Finalise this input screen by clicking "**Speichern + weiter**" (save + continue).

Obligation to update particulars

Notwithstanding the annual updating requirement according to section 3 (3) sentence 1 of the Lobbying Register Act, particulars for financial expenditure according to section 3 (3) sentence 4 of the Lobbying Register Act must be updated **no later than six months after the end of the financial year** to which they relate.

Please note that updating the particulars of the financial year will cause the financial year also to change at all other points in the register entry where the financial year is to be entered. This means that particulars of annual financial expenditure for representation of special interests, of allowances and grants from the public purse (see section 6) and of gifts from third parties (see section 7), where they are not withheld, must always be updated at the same time.

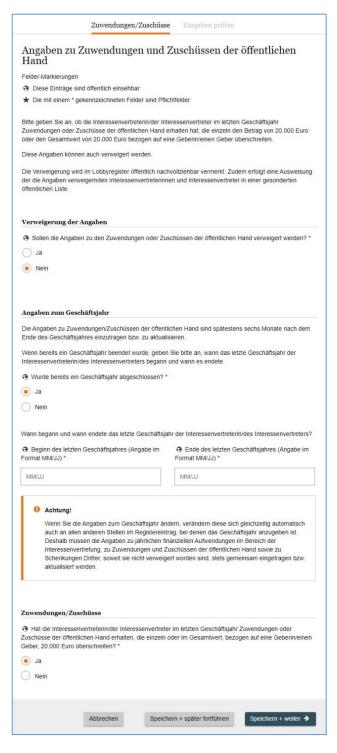
In the case of legal persons, partnerships and other organisations, the **particulars of numbers of members and memberships** (see section 1.2.4) and, in the case of legal persons, the **annual accounts/management report for the last financial year** (see section 8), must also be updated at the latest by six months after the end of the financial year.

According to section 7 (1) no. 3 of the Lobbying Register Act, it is a regulatory offence not to update a particular or not to update it correctly, completely or in good time, whether this is intentional or the result of negligence. According to section 7 (3) of the Lobbying Register Act, the regulatory offence can be punished with a fine of up to fifty thousand euros.

6. "Zuwendungen und Zuschüsse der öffentlichen Hand" (allowances and grants from the public purse)

According to section 3 (1) no. 7 of the Lobbying Register Act, representatives of special interests are to provide the particulars of **individual** <u>allowances</u> and <u>grants</u> from the <u>public</u> <u>purse</u> received in the last financial year, in intervals of EUR 10,000, where a particular donor has gifted more than EUR 20,000 in a calendar year or financial year in a single donation or as a cumulative total.

This applies both to representatives of special interests who are registered as **natural persons** and to representatives of special interests who are registered as **legal persons**, **partnerships or other organisations**.



Only allowances from the <u>public purse</u> are required to be entered in the Lobbying Register. An allowance is considered to come from the public purse when said allowance is paid directly from a **Federal**, **Land** (**federal state**) or local government budget. Allowances from the **European Union**, other supranational or international public organisations, or from other countries' governments, are also to be included.

"Zuwendungen und Zuschüsse" (allowances and grants) within the meaning of the Lobbying Register Act are **benefits** that are granted based on a discretionary decision by the responsible agency in order to attain specific objectives. They can be non-repayable (e.g., grants) and repayable (e.g., loans). Typical types of allowances and grants are **project funding**, which means allowances to cover expenditure for individual projects that are limited in scope and time, and **institutional funding**, which means allowances to cover a non-limited share of the expenditure of the recipient.

Benefits to which the recipient is directly entitled and of which the reason and the amount are directly substantiated by legislation **need not be entered**. Material benefits, remuneration from public contracts and statutory membership fees are also not considered to be allowances or grants from the public purse.

In addition, repayable benefits should **not be entered** where these benefits are awarded by public agencies, provided that these benefits are paid entirely from the agency's own budgetary resources with no effect on Federal or Land budgets (for example, loans from Federal or Land promotional banks).

In contrast, non-repayable benefits from public budgetary resources that are approved by these agencies in connection with loans are to be entered when these benefits contribute to reducing the repayable amount of the loan (repayment grants or interest rate reductions). In such cases, the amount of the grant should be entered, not the amount of the loan. If the amount of a grant in the form of an interest rate reduction is not known, then this must be ascertained, or the full loan amount entered. In the latter case, the fact that the grant only consists of an interest rate reduction can be made clear in the description of the benefit.

Grants from public budgetary resources that are awarded by these agencies with no connection to loans are also to be entered.

Only allowances and grants that aim to directly support the economic or moral activity of the representative of special interests and that are therefore in line with the purpose of the company or organisation need to be entered in the Lobbying Register.

In the case of companies, this is to be assumed in particular when the allowance is intended to fund the founding, the continuation/upkeep of operations, or the expansion and development of the company's business activities.

Examples:

A loan with a repayment grant that creates liquidity for a company to continue its business activities, or a grant for the acquisition of modern production equipment, are related to the object of the company.

Project funding for an association to carry out a series of events as part of its activity in line with its statutes is related to the object of the association.

Allowances or grants that have an aim that **is not directly related to the economic or moral activity** of the representative of special interests **do not need to be included**. Allowances are generally not directly related to the object of the company or organisation when they are provided to the representative of special interests for other purposes, such as for infrastructure or social purposes.

Examples:

Allowances for financing training for people with disabilities are generally not directly related to the object of the company.

A grant awarded to a self-employed consultant or a company to fund the installation of charging stations for electric vehicles for employees' private vehicles is generally not directly related to the object of the recipient organisation or company. The situation is different if the electric vehicle charging points are directly integrated into the pursuit of the object of the company, for example, if they are used for the vehicles of a parcel and general delivery service.

"Verweigerung der Angaben" (withholding of particulars)

According to section 3 (2) of the Lobbying Register Act, the particulars regarding allowances and grants from the public purse may be withheld. A reason may be provided for withholding this information. Providing a reason is voluntary. If a reason is provided, then the reason is published in the register.

If particulars are withheld, the representation of special interests may continue, but the following **consequences** will apply:

- The withholding is noted in the Lobbying Register and the entry is included in a separate public list (section 3 (2) sentences 2 and 3 of the Lobbying Register Act).
- Registrants withholding information may not publicly use the designation "registered representative of special interests" ("registrierte Interessenvertreterin" or "registrierter Interessenvertreter") (section 5 (9) of the Lobbying Register Act).
- Registrants withholding information may not participate as providers of information in public hearings of German Bundestag committees (section 6 (2) of the Lobbying Register Act).
- Involvement in draft bills of registered representatives of special interests under section 47 of the Joint Rules of Procedure of the Federal Ministries is not permitted when particulars are withheld (section 6 (3) of the Lobbying Register Act).
- The German Bundestag may reserve the right not to issue access permits to representatives of special interests due to the withholding of particulars (section 6 (1) sentence 1 of the Lobbying Register Act).
- On their initial targeted contact with addressees of the representation of special interests under section 1 (1) and (2) of the Lobbying Register Act, representatives of special interests must indicate that particulars have been withheld (section 5 (5) sentence 2 of the Lobbying Register Act).

According to section 2 (5) sentence 2 of the Lobbying Register Act, these consequences also apply if particulars are withheld from a **voluntary entry** in the Lobbying Register.

"Angaben zum Geschäftsjahr" (particulars for the financial year)

If the particulars are not withheld, then the first step is to enter the period to which the particulars of allowances and grants from the public purse apply.

Important note

If the particulars for the financial year have already been entered at another point in the entry or updating process (see sections 5 and 7), this field in the input screen will be **prepopulated** with that information.

If the particulars for the last financial year are changed in the prepopulated field, then these will at the same time automatically be changed at the other points of the registry entry where the financial year is given. This means that particulars of annual financial expenditure for representation of special interests (see section 5), of allowances and grants from the public purse and of gifts from third parties (see section 7), where they are not withheld, must always be entered and/or updated at the same time.

As according to section 3 (3) sentence 4 of the Lobbying Register Act the particulars of allowances and grants from the public purse are to be *updated* no later than six months after the end of the financial year, then the basis for these figures should always be the <u>financial</u> <u>year</u> that has just ended for the representative of special interests.

The <u>financial year</u> is the relevant period, typically of 12 months, for determining the information required here. Every representative of special interests will have a financial year in regard to their activity in the representation of special interests. Private individuals also have a financial year, in the form of the fiscal year according to tax law (in Germany: 1.1 - 31.12).

The last financial year is therefore usually the same as the last calendar year (1.1 - 31.12).

The situation is different if, on the basis of legislation such as commercial law, company law, law of association or tax law, different calculation periods apply by way of exception or the representative of special interests has the option to select a different calculation period by way of exception and they have made use of this option. However, even in these cases, the financial year never lasts for more than 12 months.

Example:

An association's valid constitution specifies that the association's financial year runs from 1.6 to 31.5 of the following year.

In the first input field, enter the start of the financial year that applies to the particulars given, in the format *month/year (MM/YY)* and in the second input field, enter the end of the same financial year, also in the format *month/year (MM/YY)*.

Example:

If for an entry made on 15 February 2022 the relevant last financial year is the same as the last calendar year, **01/21** should be entered in the first field and **12/21** in the second field. If an **incomplete financial year** is to be entered, for instance because the relevant activity was only started during the last calendar year, for example, on 15 June 2021, then **06/21** should be entered in the first field and **12/21** in the second.

In the case of initial entries in the Lobbying Register, if the information on the last financial year is not yet available <u>and</u> it is less than six months since the end of that financial year, then as an exception, the <u>previous</u> financial year may be used. In this case, the particulars of allowances and grants from the public purse, in the same way as of financial expenditure and gifts from third parties, from the second-last financial year should be used. According to section 3 (3) sentence 4 of the Lobbying Register Act, however, these particulars are to be updated no later than six months after the end of the financial year to which they relate.

Special case: Start of activity

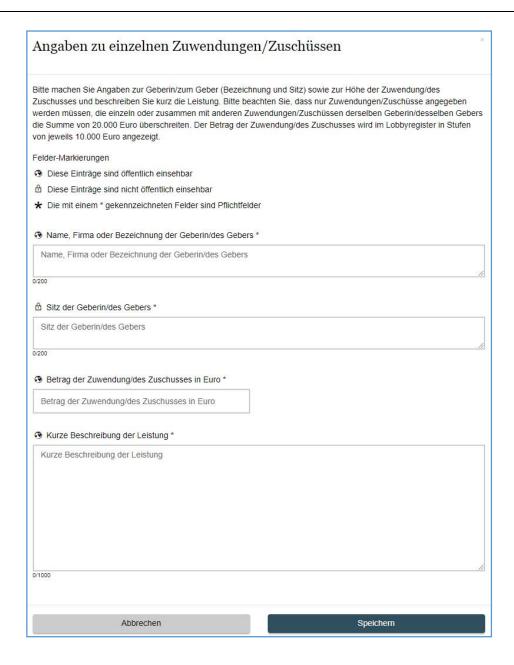
If at the time of registration in the Lobbying Register a representative of special interests does not yet have records for a financial year, for example because they began their business activity during the current calendar year, then select the option "Es wurde noch kein Geschäftsjahr abgeschlossen" (no financial year has ended since the start of the activity).

Financial allowances that must be entered in the register

In the section "Zuwendungen/Zuschüsse" (allowances/grants), state whether during the last financial year, the representative of special interests received allowances from the public purse of more than EUR 20,000 for a single allowance or with a total value of more than EUR 20,000 from a single donor. Only payments that actually took place during the financial year in question should be included.

If the financial year used by the representative of special interests is by way of exception not the same as the calendar year, the total value of allowances from a single donor (notwithstanding the wording of the Act) is to be taken for the *financial year* for which the particulars are given, to ensure that particulars are standard and comparable.

If the response to the question of whether financial allowances/grants were received that must be entered in the register is yes, then particulars are to be provided of the individual allowances/grants. To do so, click the "**Zuwendung/Zuschuss hinzufügen**" (add allowance/grant) button. The following input screen will open:



The input screen must be completed as follows for every allowance that must be entered in the register:

"Name, Firma oder Bezeichnung der Geberin/des Gebers, Sitz" (name, company or designation of the donor, registered office)

Please enter the name of the public agency that served as the donor providing the allowance. The donor here is the public agency that paid the benefit from its budget, not the agency that approved the allowance. The registered office of the public agency should also be provided. If the registered office is outside Germany, please enter the country as well as the town.

"Betrag der Zuwendung" (amount of the allowance)

Please enter the gross amount of the allowance, in euros.

The resulting range (in intervals of EUR 10,000) will be displayed automatically to the right of the input field and will be shown in the register entry only as a range.

"Kurze Beschreibung der Leistung" (brief description of the benefit)

A brief description of the benefit should then be provided, for example, by stating the type of allowance (loan or grant, for instance) and the relevant **funding programme** or **legal basis** for the allowance.

Example:

If a loan has been provided by the KfW bank that is funded with a repayment grant from the budget of a Federal Ministry, a possible description would be: "KfW loan with repayment grant from the budget of the Federal Ministry of XY, in accordance with Guideline on Federal Funding XY."

Special case: Several allowances/grants from the same donor with the same legal basis

Allowances from the same donor with the same legal basis in the same financial year can be compiled into a single entry. Only the total amount of the allowances is required. As the Act calls for particulars for the individual allowances, these must be listed under "Beschreibung der Leistung" (description of the benefit).

Specific process:

> If no allowances were received that must be registered:

If the information is not to be withheld, enter when the last financial year ended. Then respond to the question "Hat die Interessenvertreterin/der Interessenvertreter im letzten Geschäftsjahr Zuwendungen oder Zuschüsse der öffentlichen Hand erhalten, die einzeln oder im Gesamtwert, bezogen auf eine Geberin/einen Geber, 20,000 Euro überschreiten?" (During the last financial year, did the representative of special interests receive allowances or grants from the public purse of more than EUR 20,000 for a single allowance or with a total value of more than EUR 20,000 from a single donor?) with "Nein" (no) and click "Speichern + weiter" (save + continue). This will finalise the entry category.

> If one or more allowances were received that must be registered:

• If the information is not to be withheld, enter when the last financial year ended, then respond to the question "Hat die Interessenvertreterin/der Interessenvertreter im letzten Geschäftsjahr

Zuwendungen oder Zuschüsse der öffentlichen Hand erhalten, die einzeln oder im Gesamtwert, bezogen auf eine Geberin/einen Geber, 20,000 Euro überschreiten?" (During the last financial year, did the representative of special interests receive allowances or grants from the public purse of more than EUR 20,000 for a single allowance or with a total value of more than EUR 20,000 from a single donor?) with "Ja" (yes) and click "Speichern + weiter" (save + continue).

- On the following input screen, click "Zuwendung/Zuschuss hinzufügen" (add allowance/grant).
- On the subsequent input screen, provide particulars for the first allowance that you would like to register.
- You should enter the "Name, Firma oder Bezeichnung der Geberin/des Gebers" (name, company or designation of the donor) and the "Sitz der Geberin/des Gebers" (registered office of the donor).
- Then enter the "Betrag der Zuwendung" (amount of the allowance) in the relevant field. Allowances from the same donor with the same legal basis can be added together. The resulting range (in intervals of EUR 10,000) will be displayed automatically to the right of the input field and will also be shown in the register entry only as a range.

Example:

If you enter EUR 25,000, the range "20,001 bis 30,000 Euro" (EUR 20,001 to EUR 30,000) will be displayed and published.

- Finally, use the free text field to describe the benefit received briefly, and click "Speichern" (save).
- The allowance you have just entered will be shown in the field that opens. By clicking "Zuwendung/Zuschuss hinzufügen" (add allowance/grant) you can enter the particulars of another allowance or, by clicking "Speichern + weiter", you can finalise this entry category.
- Repeat the entry process **for every allowance** that is to be registered in accordance with the Act.

Obligation to update particulars

Notwithstanding the annual updating requirement according to section 3 (3) sentence 1 of the Lobbying Register Act, particulars for allowances and grants from the public purse according to section 3 (3) sentence 4 of the Lobbying Register Act must be updated **no later than six months after the end of the financial year** to which they relate.

Please note that updating the particulars of the financial year will cause the financial year also to change at all other points in the register entry where the financial year is to be entered. This means that **particulars of allowances and grants from the public purse**, of **financial expenditure** (see section 5) and of **gifts from third parties** (see section 7), where they are not withheld, must **always be updated at the same time**.

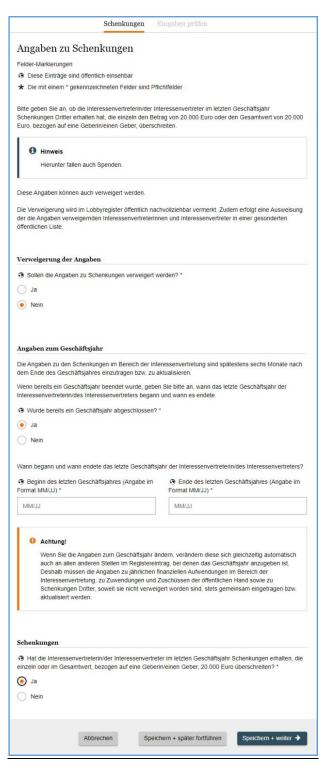
In the case of legal persons, partnerships and other organisations, the **particulars of numbers of members and memberships** (see section 1.2.4) and, in the case of legal persons, the **annual accounts/management report for the last financial year** (see section 8), must also be updated at the latest by six months after the end of the financial year.

According to section 7 (1) no. 3 of the Lobbying Register Act, it is a regulatory offence not to update a particular or not to update it correctly, completely or in good time, whether this is intentional or the result of negligence. According to section 7 (3) of the Lobbying Register Act, the regulatory offence can be punished with a fine of up to fifty thousand euros.

7. "Schenkungen" (gifts)

According to section 3 (1) no. 7 of the Lobbying Register Act, representatives of special interests are to provide the particulars of **gifts from third parties received in the last financial year**, in intervals of EUR 10,000, where a particular donor has gifted more than EUR 20,000 in the financial year in a single donation or as a cumulative total.

This applies both to representatives of special interests who are registered as **natural persons** and to representatives of special interests who are registered as **legal persons**, **partnerships or other organisations**.



A gift from a third party is a disposition from the assets of persons or organisations where the disposition is made gratuitously, which means without service in return, and where both parties are in agreement over the gratuitous nature of the disposition (cf. section 516 (1) of the Civil Code). Allowances from private foundations are also considered gifts if they are granted without service in return. Allowances from persons who are linked to the representative of special interests, e.g., gifts from members of an association to their association, are classed as "gifts from third parties" as the term "third party" is only used in section 3 (1) no. 7 of the Lobbying Register Act to differentiate from the public purse.

Gifts may consist of a **sum of money**, an **object** or, for example, a **waiver of remuneration owed**, but may not consist of the performance of work or a service, as the latter is not provided from the assets of the person giving the gift. Legacy gifts and bequests are not considered gifts within the meaning of section 516 of the Civil Code and therefore do not need to be included.

Gifts do not have to be related to the representation of special interests.

Important data privacy note

Providing information in the Lobbying Register on gifts from third parties is lawful under Article 6 (1) letter (c) of the General Data Protection Regulation (GDPR) in conjunction with Article 6 (3) letter (b) of the GDPR because the processing of this information is necessary for compliance with the legal obligation set out in the Lobbying Register Act.

From 1 January 2022, those giving gifts, which includes donors, should be made aware that there is a general legal requirement to publish their name and the value of the gift(s) within the appropriate range in the Lobbying Register.

When entering particulars of gifts given <u>before the entry into force of the Lobbying Register Act</u> on 1 January 2022, <u>consent must be obtained retrospectively from the donor of a gift</u> to enter the particulars of the gift and the relevant personal data in the Lobbying Register if it has not already been given.

If consent is not granted or if obtaining consent would require a disproportionate amount of effort, then in the case of gifts given **before 1 January 2022**, it is permissible to **enter a general designation of the donor** instead of the name (e.g., natural person, legal person, company, foundation, association, etc.).

There is also the option under section 3 (2) sentence 1 of the Lobbying Register Act to **withhold the particulars in general** and to provide a reason for withholding the information (see below).

Special case: Donations

Donations to **non-profit or benevolent organisations** are also considered gifts within the meaning of section 516 (1) of the Civil Code and are therefore to be included if they exceed the legal threshold of EUR 20,000 in the financial year in a single donation or as a cumulative total from a single donor. The Lobbying Register Act does not differentiate among the potential purposes of gifts.

Special case: Sponsorship

Sponsorship is considered to be the provision of money or benefits in kind by companies aimed at supporting persons or organisations, e.g., in sporting, cultural or social spheres, which is regularly undertaken with the aim of furthering the sponsor's own advertising or publicity objectives.

If a sponsorship contract includes service in return, for example background or jersey advertising; advertisements; providing printed advertising material; loudspeaker announcements; giving entrance tickets; etc., then it is not considered a gift.

However, sponsorship may be considered a gift where there is no exchange of services if support from the sponsor is simply noted on posters, in event advertisements, in exhibition catalogues, on websites or in other ways.

It is to be assumed that service is provided by the recipient of the allowance to the sponsor in cases where the sponsor is expressly permitted to publicise the sponsorship in its own advertising.

"Verweigerung der Angaben" (withholding of particulars)

According to section 3 (2) of the Lobbying Register Act, the particulars of gifts from third parties may be withheld. It should be noted that particulars of gifts may only be withheld for all gifts for a financial year. It is not possible to withhold particulars solely for individual gifts.

A reason may be provided for withholding this information. Providing a reason is voluntary. If a reason is provided, then the reason is published in the register.

If particulars are withheld, the representation of special interests may continue, but the following **consequences** will apply:

- The withholding is noted in the Lobbying Register and the entry is included in a separate public list (section 3 (2) sentences 2 and 3 of the Lobbying Register Act).
- Registrants withholding information may not publicly use the designation "registered representative of special interests" ("registrierte Interessenvertreterin" or "registrierter Interessenvertreter") (section 5 (9) of the Lobbying Register Act).
- Registrants withholding information may not participate as providers of information in public hearings of German Bundestag committees (section 6 (2) of the Lobbying Register Act).
- Involvement in draft bills of registered representatives of special interests under section 47 of the Joint Rules of Procedure of the Federal Ministries is not permitted when particulars are withheld (section 6 (3) of the Lobbying Register Act).

- The German Bundestag may reserve the right not to issue access permits to representatives of special interests due to the withholding of particulars (section 6 (1) sentence 1 of the Lobbying Register Act).
- On their initial targeted contact with addressees of the representation of special interests under section 1 (1) and (2) of the Lobbying Register Act, representatives of special interests must indicate that particulars have been withheld (section 5 (5) sentence 2 of the Lobbying Register Act).

According to section 2 (5) sentence 2 of the Lobbying Register Act, these consequences also apply if particulars are withheld from a **voluntary entry** in the Lobbying Register.

"Angaben zum Geschäftsjahr" (particulars for the financial year)

If the particulars are not withheld, then the first step is to enter the period to which the particulars of gifts apply.

Important note

If the financial year has already been entered at another point in the entry or updating process (cf. sections 5 and 6), this field in the input screen will be prepopulated with that information. If the particulars for the last financial year are changed in the prepopulated field, then these will at the same time automatically be changed at the other points of the registry entry where the financial year is given. This means that particulars of annual financial expenditure for representation of special interests (see section 5), of allowances and grants from the public purse (see section 6) and of gifts from third parties, where they are not withheld, must always be entered and/or updated at the same time.

As according to section 3 (3) sentence 4 of the Lobbying Register Act the particulars of financial expenditure are to be *updated* no later than six months after the end of the financial year to which they relate, then the basis for these figures should always be the **financial year** that has just ended for the representative of special interests.

The <u>financial year</u> is the relevant period, typically of 12 months, for determining the information required here. Every representative of special interests will have a financial year in regard to their activity in the representation of special interests. Private individuals also have a financial year, in the form of the fiscal year according to tax law (in Germany: 1.1 - 31.12). The last financial year is therefore usually the same as the last calendar year (1.1 - 31.12).

The situation is different if, on the basis of legislation such as commercial law, company law, law of association or tax law, different calculation periods apply by way of exception or the representative of special interests has the option to select a different calculation period by way of exception and they have made use of this option. However, even in these cases, the financial year never lasts for more than 12 months.

Example:

An association's valid constitution specifies that the association's financial year runs from 1.6 to 31.5 of the following year.

In the first input field, enter the start of the financial year that applies to the particulars given, in the format **month/year (MM/YY)** and in the second input field, enter the end of the same financial year, also in the format **month/year (MM/YY)**.

Example:

If for an entry made on 15 February 2022 the relevant last financial year is the same as the last calendar year, 01/21 should be entered in the first field and 12/21 in the second field. If an incomplete financial year is to be entered, for instance because the relevant activity was only started during the last calendar year, for example, on 15 June 2021, then 06/21 should be entered in the first field and 12/21 in the second.

In the case of initial entries in the Lobbying Register, if the information on the last financial year is not yet available <u>and</u> it is less than six months since the end of that financial year, then as an exception, the <u>previous</u> financial year may be used. In this case, the particulars of gifts, as well as of annual financial expenditure on representation of special interests, and of allowances and grants from the public purse, from the **second-last financial year** should be used. According to section 3 (3) sentence 4 of the Lobbying Register Act, however, these particulars are to be **updated no later than six months after the end of the financial year to which they relate**.

Special case: Start of activity

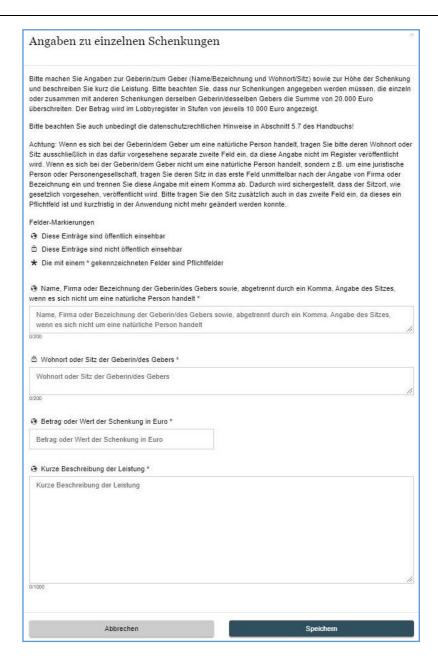
If at the time of registration in the Lobbying Register a representative of special interests does not yet have records for a financial year, for example because they began their business activity during the current calendar year, then select the option "Es wurde noch kein Geschäftsjahr abgeschlossen" (no financial year has ended since the start of the activity).

Gifts that must be entered in the register

In the section "Schenkungen" (gifts), state whether during the last financial year, the representative of special interests received gifts from third parties of more than EUR 20,000 for a single gift or with a total value of more than EUR 20,000 from a single donor. Only those benefits that were actually **received or booked** in this period should be included.

If the financial year used by the representative of special interests is by way of exception not the same as the calendar year, the total value of gifts from a single donor (notwithstanding the wording of the Act) is to be taken for the *financial year* for which the particulars are given, to ensure that particulars are standard and comparable.

If the response to the question of whether gifts were received that must be entered in the register is yes, then the particulars are to be provided for the individual gifts. To do so, click the "Schenkung hinzufügen" (add gift) button. The following input screen will open:



The input screen must be completed as follows for every gift that must be entered in the register:

"Name, Firma oder Bezeichnung der Geberin/des Gebers" (name, company or designation of the donor); "Wohnort/Sitz" (place of residence/registered office of the donor)

The person, the company or other type of organisation that gave the gift should be listed with **fore- and surname or other designation**. These particulars are to be entered in the first field.

Important data privacy note

If it has not been possible to obtain consent from the donor of gifts received before 1 January 2022 to the publication of their data, instead of the name, as an exception, a general designation may be entered for the donor (e.g., natural person, legal person, company, foundation, association, non-profit organisation, etc.).

This does not apply to gifts after 1 January 2022!

If the donor of the gift is a **natural person**, their place of residence should **only be entered in the separate field provided for this** ("Wohnort oder Sitz der Geberin/des Gebers"). In accordance with section 4 (2) sentence 2 of the Lobbying Register Act, this information will not be published in the register.

If the donor is a **legal person**, **partnership or other organisation**, **then the registered office should be entered directly after the designation**, **in the same field**. These particulars are published.

The registered office must **additionally** be entered in the **separate field** provided for this ("Wohnort oder Sitz der Geberin/des Gebers"), as this is an obligatory field.

If the registered office or place of residence is outside Germany, please enter the country as well as the town.

Betrag oder Wert der Schenkung (value/amount of the gift)

Where monetary gifts are given, the **gross amount** of the gift is to be entered in euros. In the case of material benefits, the **fair value** should be entered. If necessary, this can be based on a well-founded estimate provided in good faith.

The resulting range (in intervals of EUR 10,000) will be displayed automatically to the right of the input field and will be shown in the register entry as a range.

"Kurze Beschreibung der Leistung" (brief description of the benefit)

A brief description of the benefit should then be provided, for example "monetary donation" or "donation in kind". If applicable, this field can be used to state whether the gift was to be used for a specific purpose or was associated with specific conditions.

Special case: Several gifts from the same donor

Gifts from the same donor in the same financial year can (but do not have to) be compiled into a single entry. Only the total amount/value of the gift is required.

As the Act calls for particulars of individual gifts, these must be listed briefly under "Beschreibung der Leistung" (description of the benefit).

The (partial) donations can also be entered one after the other with a description. It is therefore also possible to enter donations with a value of less than EUR 20,000 in the input screen.

Obligation to update particulars

Notwithstanding the annual updating requirement according to section 3 (3) sentence 1 of the Lobbying Register Act, particulars of gifts according to section 3 (3) sentence 4 of the Lobbying Register Act must be updated **no later than six months after the end of the financial year** to which they relate.

Please note that updating the particulars of the financial year will cause the financial year also to change at all other points in the register entry where the financial year is to be entered. This means that particulars of annual financial expenditure for representation of special interests (see section 5), of allowances and grants from the public purse (see section 6) and of gifts from third parties, where they are not withheld, must always be updated at the same time.

In the case of legal persons, partnerships and other organisations, the **particulars of numbers of members and memberships** (see section 1.2.4) and, in the case of legal persons, the **annual accounts/management report for the last financial year** (see section 8), must also be updated at the latest by six months after the end of the financial year.

According to section 7 (1) no. 3 of the Lobbying Register Act, it is a regulatory offence not to update a particular or not to update it correctly, completely or in good time, whether this is intentional or the result of negligence. According to section 7 (3) of the Lobbying Register Act, the regulatory offence can be punished with a fine of up to fifty thousand euros.

Specific process:

➤ If there were no gifts that must be entered in the register:

Provided the particulars are not to be withheld, first enter the "Geschäftsjahr" (financial year) that applies to the particulars given. Then respond to the question "Hat die Interessenvertreterin/der Interessenvertreter im letzten Geschäftsjahr Schenkungen erhalten, die einzeln oder im Gesamtwert, bezogen auf eine Geberin/einen Geber, 20,000 Euro überschreiten?" (During the last financial year, did the representative of special interests receive gifts of more than EUR 20,000 for a single gift or with a total value of more than EUR 20,000 from a single donor?) with "Nein" (no) and click "Speichern + weiter" (save + continue). This will finalise the entry category.

> If one or more gifts were received that must be registered:

• Provided the particulars are not to be withheld, first enter the "Geschäftsjahr" (financial year) that applies to the particulars given. Then respond to the question "Hat die Interessenvertreterin/der Interessenvertreter im letzten Geschäftsjahr Schenkungen erhalten, die einzeln oder im Gesamtwert, bezogen auf eine Geberin/einen Geber, 20,000 Euro überschreiten?" (During the last financial year, did the representative of special interests receive gifts of more than EUR 20,000 for a single gift or with a total value of more than EUR 20,000 from a

single donor?) with "Ja" (yes) and click "Speichern + weiter" (save + continue).

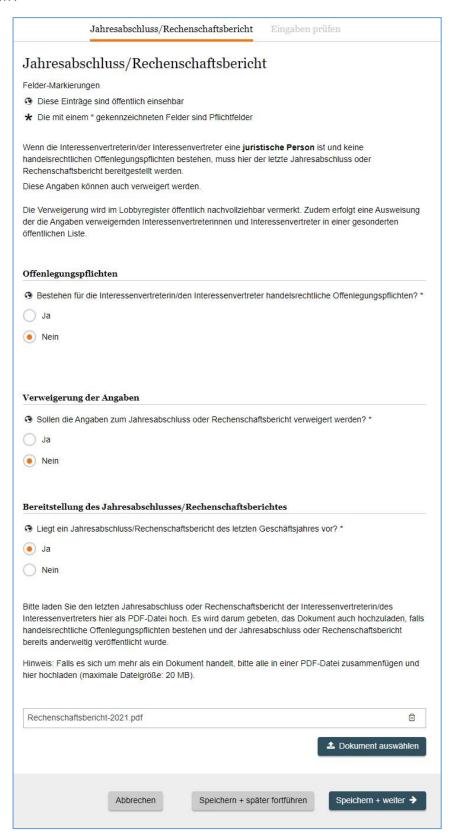
- On the following input screen, click "Schenkung hinzufügen" (add gift).
- On the subsequent input screen, provide particulars for the first gift that you would like to register.
- If the gift was from a **natural person**, enter the **forename and surname** in the first input field and then in the second, separate field, the content of which will not be published, enter the **place of residence** of the donor.

If the gift was from a **legal person**, **partnership or other organisation**, enter the **company name or other designation of the organisation** in the first input field and then, in the same field separated by a comma, the **place where the company or organisation has its registered office**. This will ensure that the place of the registered office is published, as required by law. The place of the registered office must be entered **again** in the second field, as it is an obligatory field.

- Then enter the "Betrag oder Wert der Schenkung" (amount or value of the gift) in the relevant field. Gifts from the same donor may be compiled into a single entry.
- The resulting range (in intervals of EUR 10,000) will be displayed automatically to the right of the input field and will be shown in the register entry as a range.
- Finally, use the free text field to briefly **describe** the gift received, and click "Speichern" (save).
- The gift you have just entered will be shown in the view that opens. By clicking "Schenkung hinzufügen" (add gift) you can enter the particulars for another gift or, by clicking "Speichern + weiter", you can finalise this entry category.

8. "Jahresabschlüsse/Rechenschaftsberichte" (annual accounts/management reports) (legal persons only)

According to section 3 (1) no. 8 of the Lobbying Register Act, representatives of special interests who are registered in the Lobbying Register as **legal persons** must provide **annual accounts** or **management reports**, if they are not subject to disclosure obligations under commercial law.



This input screen is to be used by **legal persons** for particulars of <u>annual accounts</u> or <u>management reports</u> and of any applicable disclosure obligations under commercial law.

Important note

This input screen should and can only be filled out if **legal person** was selected for legal form or type of organisation in the category "Identität der Interessenvertreterin/des Interessenvertreters" (identity of the representative of special interests). If this is not the case, an error message will be displayed. If an error message is displayed, please first complete the input screen on the legal form of the organisation correctly (see section 1.2.1).

The Lobbying Register Act requires legal persons under private and public law to provide annual accounts or management reports if they are not subject to disclosure obligations under commercial law. The Lobbying Register Act presupposes that legal persons are required on the basis of other legal provisions to compile annual accounts or management reports. These annual accounts or management reports must be provided in a suitable format in the Lobbying Register.

The content of the annual accounts or management reports to be provided is to be based on current legislation applicable to the relevant legal person.

According to section 242 (3) of the Commercial Code, <u>annual accounts</u> consist of the balance sheet and the income statement. The balance sheet must include a list of assets and liabilities. The income statement consists of a comparison of profit and loss.

According to section 259 of the Civil Code, the <u>management report</u> consists of an orderly compilation of earnings and expenses. The report must be comprehensible and must discuss all material information required to assess the circumstances of the association. Review by an expert is not required.

Example:

In accordance with section 27 (3) in conjunction with section 666 of the Civil Code, the management board of an association has a duty to render account. The obligatory content of the annual management report must inform the members of the association on all matters that, based on prevailing practice and reasonable discretion, will allow the members to properly assess all questions related to the approval of the actions of the management board by the general meeting. If there are earnings and expenses, then the management board must render account in accordance with section 259 (1) of the Civil Code.

"Offenlegungspflichten" (disclosure obligations)

First, state whether the representative of special interests is subject to <u>disclosure obligations</u> under commercial law in Germany or in other EU states.

<u>Disclosure obligations under commercial law</u> are regulated in German law in particular by sections 325 et seqq. of the Commercial Code and by the Disclosure Act (Publizitätsgesetz, PublG).

Special case: Government supervision

Annual accounts or management reports are generally to be provided by all legal persons if there is no disclosure obligation under commercial law and the information is not withheld. It is irrelevant whether the legal person is subject to government supervision or not. Government supervision is not comparable to a disclosure obligation under commercial law, which means there is **no exemption** from the obligation to publish annual accounts or management reports in the Lobbying Register.

Legal persons from EU states are subject to largely uniform disclosure obligations under commercial law. If there are disclosure obligations under commercial law within the EU, then the obligation to provide annual accounts or management reports in the Lobbying Register does not apply.

To ensure the highest possible level of transparency, registrants are **nonetheless asked to upload** their annual accounts or management report **to the Lobbying Register.** It is not necessary to have these documents translated into German. If the documents are not uploaded, then the place that they are published must be entered in the free text field, in the form of a specific link if possible.

In particular, **microenterprises** that do not exceed the size limits under section 267a of the Commercial Code and that meet their disclosure obligations by **filing** the relevant documentation (cf. section 326 (2) of the Commercial Code) are requested nonetheless to **upload their annual accounts or management report to the Lobbying Register** in order to ensure the aim of transparency of the Lobbying Register Act.

Special case: Legal persons from non-EU countries

Legal persons from non-EU countries are subject to the disclosure obligations of the Lobbying Register Act even if they are subject to disclosure obligations under commercial law outside of the EU, because it is not possible to sufficiently ensure the comparable nature of disclosure obligations with EU law. Such legal persons must upload the annual accounts or management report to the Lobbying Register. It is not necessary to have these documents translated into German.

➤ If there is <u>no disclosure obligation under commercial law</u> or <u>disclosure obligations only</u> <u>apply under commercial law in non-EU countries</u>:

"Verweigerung der Angaben" (withholding of particulars)

According to section 3 (2) sentence 1 of the Lobbying Register Act, the particulars regarding annual accounts or the management report may be withheld. A reason may be provided for withholding this information. Providing a reason is voluntary. If a reason is provided, then the reason is published in the register.

If particulars are withheld, the representation of special interests may continue, but the following **consequences** will apply:

- The withholding is noted in the Lobbying Register and the entry is included in a separate public list (section 3 (2) sentences 2 and 3 of the Lobbying Register Act).
- Registrants withholding information may not publicly use the designation "registered representative of special interests" ("registrierte Interessenvertreterin" or "registrierter Interessenvertreter") (section 5 (9) of the Lobbying Register Act).
- Registrants withholding information may not participate as providers of information in public hearings of German Bundestag committees (section 6 (2) of the Lobbying Register Act).
- Involvement in draft bills of registered representatives of special interests under section 47 of the Joint Rules of Procedure of the Federal Ministries is not to be permitted when particulars are withheld (section 6 (3) of the Lobbying Register Act).
- The German Bundestag may reserve the right not to issue access permits to representatives of special interests due to the withholding of particulars (section 6 (1) sentence 1 of the Lobbying Register Act).
- On their initial targeted contact with addressees of the representation of special interests under section 1 (1) and (2) of the Lobbying Register Act, representatives of special interests must indicate that particulars have been withheld (section 5 (5) sentence 2 of the Lobbying Register Act).

According to section 2 (5) sentence 2 of the Lobbying Register Act, these consequences also apply if particulars are withheld from a **voluntary entry** in the Lobbying Register.

"Bereitstellung des Jahresabschlusses/Rechenschaftsberichts" (provision of the annual accounts/management report)

Please state whether annual accounts or a management report for the last financial year have already been published for the representative of special interests.

Special case: Start of activity

If at the time of registration in the Lobbying Register a representative of special interests does not yet have records for a financial year because they began their business activity during the current calendar year, then answer the question "Liegt ein Jahresabschluss oder Rechenschaftsbericht des letzten Geschäftsjahres vor?" (Have annual accounts or a management report been prepared for the last financial year?) with "Nein" (no).

A **reason** why no annual accounts have been prepared as yet can also be given. Providing a reason is voluntary. If a reason is provided, then the reason is published in the register.

In the case of initial entries in the Lobbying Register, if the **information on the last financial year is not yet available <u>and</u> it is less than six months since the end of that financial year**, then as an exception, the annual accounts or the management report for the <u>previous financial year</u> may be used.

According to section 3 (3) sentence 4 of the Lobbying Register Act, however, this report is to be **updated** no later than six months after the end of the financial year <u>to which</u> <u>they relate</u>.

Special case: Obligation to keep content confidential

Where there is a **legal confidentiality obligation** affecting individual passages of the annual accounts or management report, the relevant passages may be **redacted** or **separate annual accounts/management report** may be compiled that do not include the data that is subject to the confidentiality obligation and that is submitted to the addressees of the reports.

At this point, you should upload the last available annual accounts or management report as a **single PDF file** (maximum file size: 20 MB). Please make sure that the file is clearly named (e.g., *Management_report-2021*). It is not necessary to have these documents translated into German.

If the end of the last financial year is less than six months ago <u>and</u> the annual accounts or management report for that financial year are not yet available, upload the annual accounts or the management report of the <u>previous financial year</u> as a **single** PDF file.

> If there are disclosure obligations under commercial law in Germany or other EU states:

State whether the last available annual accounts or management report are to be uploaded to the register.

If there are disclosure obligations under commercial law in Germany or other EU states, the representative of special interests is not obligated to publish a report in the Lobbying Register. However, to ensure the highest possible level of transparency, registrants are asked to upload their annual accounts or management report nonetheless.

If the end of the last financial year is less than six months ago <u>and</u> the annual accounts or management report for that financial year are not yet available, you may upload the annual accounts or the management report of the <u>previous financial year</u>. It is not necessary to have these documents translated into German.

Please upload the annual accounts or management report as a **single PDF file** (maximum file size: 20 MB). If the annual accounts or management report consist of several files, these should be merged into a single PDF file before they are uploaded. Please make sure that the file is clearly named (e.g., *Management_report-2021*).

If the annual accounts or management report are nonetheless not to be uploaded, please enter the place that they are published in the free text field, in the form of a specific link if possible.

Obligation to update particulars

Notwithstanding the annual updating requirement according to section 3 (3) sentence 1 of the Lobbying Register Act, particulars for annual accounts or management reports according to section 3 (3) sentence 4 of the Lobbying Register Act must be updated **no later than six months after the end of the financial year** to which they relate.

According to section 7 (1) no. 3 of the Lobbying Register Act, it is a regulatory offence not to update a particular or not to update it correctly, completely or in good time, whether this is intentional or the result of negligence. According to section 7 (3) of the Lobbying Register Act, the regulatory offence can be punished with a fine of up to fifty thousand euros.

Specific process:

If there is no disclosure obligation under commercial law or disclosure obligations only apply under commercial law in non-EU countries:

- Answer the question "Bestehen für die Interessenvertreterin/den Interessenvertreter handelsrechtliche Offenlegungspflichten?" (Is the representative of special interests subject to disclosure obligations under commercial law?) with "Nein" (no).
- Answer the question "Sollen die Angaben zum Jahresabschluss oder Rechenschaftsbericht verweigert werden?" (Are the particulars for the annual accounts or management report to be withheld?) with "Ja" (yes) or "Nein" (no).
- If the information is not to be withheld, answer the question "Liegt ein Jahresabschluss/Rechenschaftsbericht des letzten Geschäftsjahres vor?" (Have the annual accounts or management report for the last financial year already been published?) with "Ja" (yes) or "Nein" (no).
- If the annual accounts or management report have already been published: Upload the latest available annual accounts or management report as a **single PDF file** (maximum file size: 20 MB). Please make sure that the file is clearly named (e.g., *Management report-2021*).

If no annual accounts or management report have been published yet because the first financial year is not yet over or ended recently, an explanation can be provided. The particulars must be updated no later than six months after the end of the first financial year and the relevant annual accounts/management report must be uploaded at this point at the latest.

➤ If there are disclosure obligations under commercial law in Germany or in other EU states:

- Answer the question "Bestehen für die Interessenvertreterin/den Interessenvertreter handelsrechtliche Offenlegungspflichten?" (Is the representative of special interests subject to disclosure obligations under commercial law?) with "Ja" (yes).
- Answer the question "Liegt ein Jahresabschluss/Rechenschaftsbericht des letzten Geschäftsjahres vor?" (Have the annual accounts or management report for the last financial year already been published?) with "Ja" (yes) or "Nein" (no).

If the annual accounts or management report have already been published:

State whether the annual accounts or management report are to be uploaded. If they are to be uploaded, you may upload the annual accounts or management report as a **single PDF file** (maximum file size: 20 MB). Please make sure that the file is clearly named (e.g., *Management_report-2021*). If the annual accounts or management

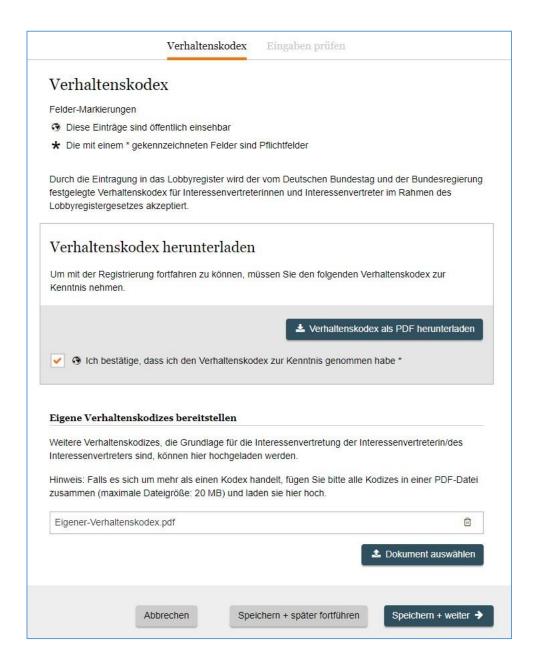
report are not to be uploaded, please enter the place that they are published in the free text field, in the form of a specific link if possible.

If no annual accounts or management report have been published yet because the first financial year is not yet over or ended recently, an explanation can be provided. The particulars must be updated no later than six months after the end of the first financial year and the relevant annual accounts/management report must be uploaded or the place they are published must be entered, if possible in the form of a specific link, at this point at the latest.

9. "Verhaltenskodex" (Code of Conduct)

According to section 5 (3) of the Lobbying Register Act, by enrolling in the Lobbying Register, representatives of special interests accept the **Verhaltenskodex** (Code of Conduct) (<u>Fehler!</u> <u>Verweisquelle konnte nicht gefunden werden.</u> 2) established by the German Bundestag and the Federal Government and with the participation of civil society under section 5 (2) of the Act.

This applies both to representatives of special interests who are registered as **natural persons** and to representatives of special interests who are registered as **legal persons**, **partnerships or other organisations**.



The <u>Code of Conduct</u> (<u>Fehler! Verweisquelle konnte nicht gefunden werden.</u> **2**) can be downloaded from this input screen. Please acknowledge acceptance of the Code of Conduct by checking the box on the screen.

The <u>Code of Conduct</u> was compiled with the participation of civil society. It was adopted by the Federal Government on 16 June 2021 and approved by the German Bundestag on 24 June 2021.

In accordance with section 5 (1) of the Lobbying Register Act and the regulations in the Code of Conduct itself, representatives of special interests within the meaning of the Lobbying Register Act are to act on the basis of **openness, transparency, honesty and integrity**. Representatives of special interests enrolled in the Lobbying Register are under the obligation to abide by the principles in the Code of Conduct when engaging in representation of special interests.

Potential **infringements** of the Code of Conduct can be investigated by the registry. If the registry ascertains that a significant infringement has taken place, this is published in the Lobbying Register (section 5 (8) of the Lobbying Register Act).

It is therefore highly advisable to ensure that all persons engaging in the representation of special interests are familiar with the content of the Code of Conduct!

"Eigene Verhaltenskodizes bereitstellen" (provision of own codes of conduct) (optional)

Additional codes of conduct that provide representatives of special interests with a supplementary basis for their activities can be uploaded.

Several codes of conduct can only be uploaded as a **single PDF file** (maximum file size: 20 MB). If several codes of conduct are to be uploaded, they should be merged into a single PDF file before uploading.

Please use a file name that makes the content of the file clear.

Specific process:

- Download the Code of Conduct by clicking the button "Verhaltenskodex als PDF herunterladen" (download the Code of Conduct as a PDF file) and read it in full.
- Confirm that you acknowledge the Code of Conduct by checking the box "Ich bestätige, dass ich den Verhaltenskodex zur Kenntnis genommen habe" (I confirm that I acknowledge the Code of Conduct).
- If additional codes of conduct exist as a supplementary basis for the representation of special interests, you can upload these in a **single** PDF file (maximum file size: 20 MB) using the option "Dokument auswählen" (select document) under "Eigene Verhaltenskodizes bereitstellen" (provide own codes of conduct).

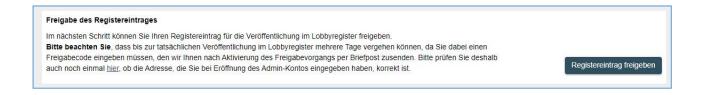
10. "Registereintrag freigeben" (releasing the register entry for publication)

When all particulars have been entered in full, the register entry must be released for publication in the Lobbying Register. This process may take **some time**, as the particulars given must be confirmed with the **signature of the representative of special interests** or the **authorised representative(s)** entered during the registration process, and you must then enter a **release code** that will be sent to you by post when you activate the release process.

When all of the particulars have been entered in full, you can begin the release process via the entry overview.



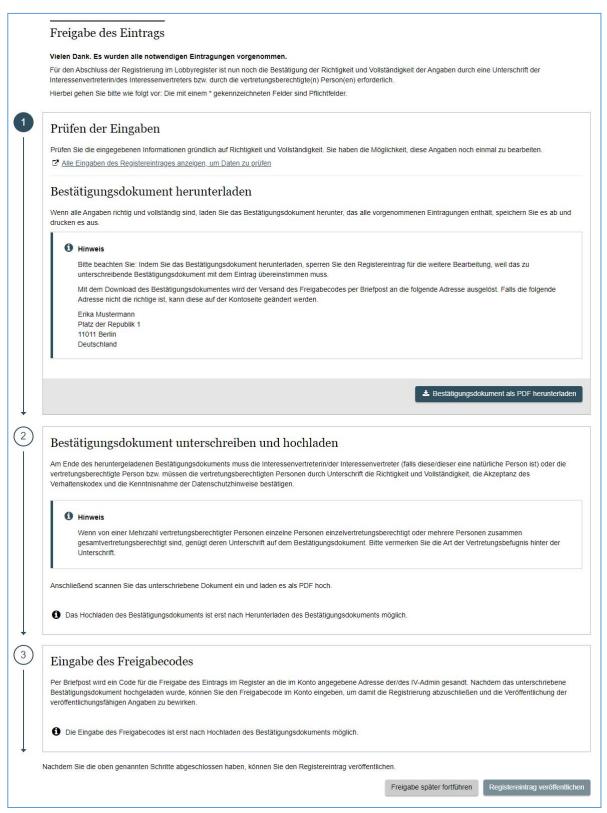
When you click "Zur Freigabe" (go to the release process), you will be taken to the end of the entry overview.



If you would like to initiate the release process, click the button "**Registereintrag freigeben**" (release register entry).

"Freigabe des Eintrags" (release of the entry)

There are several steps in the release process to finalise and publish the register entry. These steps do not need to be taken directly one after another. If necessary, the release process can be paused and resumed later.



"Prüfen der Eingaben" (reviewing information entered)

The first step will ask you to carefully check the correctness and completeness of all of the information entered. You can start the review process by clicking "Alle Eingaben des Registereintrags anzeigen, um Daten zu prüfen" (display all information in the register entry to review details). The information entered will be displayed, ordered by category.

If there is any information in an entry that applies to other people (clients, for example), it is a good idea to confirm with them that all particulars are correct.

If you notice a mistake or an incomplete entry in a category, you can click "Ändern und Freigabe abbrechen" (amend entry and abort release process) and select the relevant category, make the necessary changes, and then begin the release process again from the start.

If the particulars are complete and correct, you can return to the release page by clicking "**Zur Freigabe des Eintrags**" (go to the release process for the entry) and continue with the next step. You will also see the address to which the release code will be sent by post.

"Bestätigungsdokument herunterladen" (download confirmation document)

You should now download and save the <u>confirmation document</u>. The necessary document will be provided for you to download by clicking the button "Bestätigungsdokument als PDF herunterladen" (download confirmation document as a PDF file). Make sure that your browser does not block the download, and take a note of where the document has been saved. If you have any problems with the download, please check your browser settings.

The <u>confirmation document</u> contains all of the information provided for the representative of special interests, and has space at the end for the required signatures. The document includes a date and time stamp, which is the time that it was downloaded. If the release process is aborted after the confirmation document is downloaded, for example to make corrections, then the release process must be started again. A new confirmation document will then be generated and this new version should be downloaded. The confirmation document that is signed and uploaded must be the last confirmation document to be generated.

The confirmation document includes two annexes: the Code of Conduct in accordance with section 5 (2) of the Lobbying Register Act (Annex 1) and the data privacy notices (Annex 2).

Downloading the confirmation document locks the register entry for further editing, because the confirmation document to be signed must be the same as the entry in the register. Starting the download starts the actual release process. If you want to change the particulars entered after this, you must abort the release process by clicking the button "Freigabeprozess abbrechen" (abort release process).

Important note

When the release process is launched with the downloading of the confirmation document, a five-digit **release code** is generated by the registry that is to be entered for authentication purposes at the end of the release process and when making any future changes and updates to the register entry. The release code is sent by post to the address entered by the admin. Please store this release code carefully, as it will be needed in future each time the register entry is managed.

"Bestätigungsdokument unterschreiben und hochladen" (sign and upload confirmation document)

The confirmation document must be printed out and **personally signed by a representative of special interests who is a natural person in order for the register entry to be released.**Signature by the admin is not enough if the admin is not the representative of special interests themselves.

To release the register entry for a representative of special interests that is a legal person, partnership or other organisation, the confirmation document must be signed by the relevant statutory representatives or other authorised persons. The confirmation document contains signature fields for all authorised representatives registered (see section 1.2.2).

If the authorised representatives can only represent the organisation jointly ("Gesamtvertretung", joint representation), then all representatives entered must sign the document.

However, legal or contractual provisions or the articles of association may provide for situations where a majority of representatives allows specific individuals to represent the organisation alone ("Einzelvertretung", individual representation). In this case, the confirmation document can be signed by one person who is authorised to represent the organisation individually. This authorisation to represent the organisation individually must be stated explicitly in brackets after the signature: for example, "Dr Jane Doe (einzelvertretungsbefugt)", where "einzelvertretungsbefugt" means authorised to represent the whole organisation.

Example:

The management board of the association X has five members. The association constitution states that a specific member of the management board may also represent the association alone. In this case, a signature from that member of the management board, together with a note stating that the member of the management board is authorised to represent the whole board, is sufficient for the confirmation document.

The procedure is similar if a group of some of the authorised representatives are authorised to represent the whole organisation.

Example:

The partnership agreement of a partnership rules that of the partners A, B, C and D, the partners A and B are authorised to jointly represent the partnership. In this case, the signatures of A and B, together with a note stating that A and B are jointly authorised to represent the whole partnership, are sufficient for the confirmation document.

The signature by the representative of special interests or the statutory or other authorised representatives

- confirms the correctness and completeness of the entries and the acknowledgement of the fines set forth in section 7 of the Lobbying Register Act
- acknowledges that the entry in the Lobbying Register serves as acceptance of the Code of Conduct established by the German Bundestag and the German Federal Government (Annex 1 to the confirmation document)
- confirms acknowledgement of the data privacy notices (Annex 2 to the confirmation document)
- accepts that partial updates and amendments can be made throughout the year by the admin

Note

After the confirmation document has been downloaded, the release process can be paused if necessary to allow the confirmation document to be signed by the representative of special interests or the statutory or other authorised representatives. To do this, click the button "Freigabe später fortführen" (continue release process later). When you log back in to the admin account later, you can continue the release process from this point by clicking "Registereintrag freigeben" (release register entry) on the entry overview page. Please note that for the initial entry, the signed confirmation document must be uploaded and the release code must be entered within **eight weeks** of downloading the confirmation document. The release code is no longer valid after that time.

Please scan the complete signed confirmation document and save it as a PDF. Clicking the button "Unterschriebenes Bestätigungsdokument hochladen" (upload signed confirmation document) allows you to navigate to the signed, scanned confirmation document on your device and to upload it. Please note that only <u>one</u> PDF file can be uploaded and that the maximum file size for this is 10 MB.

"Eingabe des Freigabecodes" (enter the release code)

Once you have uploaded the signed confirmation document, you can enter the five-digit release code in the input field under point 3. The release code will be sent to you by post by the registry at the German Bundestag, to the address you have entered in the admin account.

Note

The release process can also be paused after you have uploaded the confirmation document, for example, if you have not yet received the release code by post. When you log back in to the admin account later, you can continue the release process from this point by clicking "Registereintrag freigeben" (release register entry) on the entry overview page.

For the initial publication of the register entry, the release code must be entered within **eight** weeks of downloading the confirmation document. After the initial publication, the **release** code remains valid and must be entered for authentication purposes for subsequent amendments and updates to the register entry.

If you do not receive a letter with the release code within the normal posting time from the date of starting the release process by downloading the confirmation document, please contact the registry at the German Bundestag at:

lobbyregister-iv@bundestag.de

or

by telephone: **+49 30 277-37555.**

If the release code has not been entered within eight weeks of downloading the confirmation document or if the code should get lost, you can request a new release code on the release page of the register entry. Please remember that normal posting times will again apply.

"Registereintrag veröffentlichen" (publish register entry)

After you have entered the release code, you can release the entry for publication in the Lobbying Register by clicking "Registereintrag veröffentlichen" (publish register entry). You will receive a confirmation message when the entry is published.

Until the register entry is published, you can abort the release at any time by clicking "Freigabe abbrechen" (abort release), for example, if you need to make any corrections. If you do so, you will then have to begin the release process again from the start.

After the register entry has been published, you can only make changes and updates using a different process.

Specific process:

- When you have entered all of the necessary information, go to the "Eintragungsübersicht" (entry overview) and select "Registereintrag freigeben" (release register entry) to begin the release process.
- Check the correctness and completeness of all particulars and make any necessary corrections.
- Download and save the confirmation document and print it out.
- Give the printed confirmation document to the representative of special interests or the relevant statutory representatives or other authorised representatives for them to sign.
- Scan the signed confirmation document in full and upload it as a single PDF document (maximum file size: 10 MB).
- Enter the five-digit release code you have received by post in the input field "Eingabe des Freigabecodes" (enter release code) and publish the register entry by clicking the button "Registereintrag veröffentlichen" (publish register entry).