



Information on preparing for the migration of the register entry in line with the new legislation as of 2024 (to-do list) for organisations

As at: 20 November 2023

Contents

Introduction	2
I. General particulars, regardless of the financial year	3
1. Master data: “Hauptstadtrepräsentanz” (representative office in the capital city)	3
2. Authorised representatives	3
3. Persons entrusted with the representation of special interests.....	4
4. Revolving door effect.....	4
5. Differentiated particulars for member numbers.....	5
6. Comprehensive particulars of the content of activities related to the representation of special interests	5
a) More precise general description of the activity of representation of special interests	5
b) Statement of the specific regulatory proposals that the representation of special interests relates to ...	8
c) Essential comments and expert opinions	10
II. Particulars relating to the financial year	12
1. Particulars of the financial years	12
2. Particulars of the number of employees involved in the representation of special interests, in full-time equivalents.	12
3. Particulars of the main sources of financing, in descending order of their proportion of total income.....	13
4. Particulars of annual financial expenditure for representation of special interests	14
5. Particulars of individual allowances and grants from the public purse.....	15
6. Particulars of gifts and other lifetime donations from third parties	15
7. Particulars of membership dues	16
8. Annual accounts or management reports of legal persons, partnerships and sole traders	17
III. If applicable: comprehensive information on commissioning relationships	18
1. Precise description of the commissioned activity	18
2. Particulars of the identity of clients whose interests the registrant represents	18
3. Particulars of the financial resources received from the client per commission	19
4. Particulars of the specific persons or organisations deployed to carry out the commissioned representation of special interests	20
IV. Notes on the future obligation to update entries (section 3 (3) of the Lobbying Register Act).....	22
V. Summary overview.....	23

Introduction

On 19 October 2023, the German Bundestag adopted the **Act Amending the Lobbying Register Act** (*Lobbyregistergesetz*, LobbyRG).¹ The Act will **enter into force on 1 March 2024**, subject to a decision by the Bundesrat and the signing of the law by the Federal President.

General information on the reform of the Act is available here:

[Information and guidance on the Lobbying Register of the German Bundestag](#) (in German)

Comprehensive amendments have been made to the Lobbying Register Act, as a result of which **additional particulars** are required in register entries.

After the Act comes into force on 1 March 2024, it will be possible **until 30 June 2024** to add the additional required particulars to an existing register entry in order to bring it into line with the new legislation (**migration**).

Register entries for which this migration has not been **completed by 30 June 2024** will **automatically be transferred to the list of former representatives of special interests**. To prevent this, the migration process (including the release and publication of the entry once it is brought into line with the new legislation) **must be completed by 30 June 2024**.

To make this process easier, in future the **confirmation document only needs to be signed by one person**, who can be determined by the organisation. This is of particular importance for organisations that have more than one authorised representative. The authorised representatives can themselves determine who is to sign the confirmation document; in the case of legal persons and partnerships, however, the person must be in a **managerial position within the meaning of section 30 (1) no. 1 to 4 of the Act on Regulatory Offences** (*Gesetz über Ordnungswidrigkeiten*, OWiG).

Comprehensive support for the migration process will be provided in the register application. Data from the existing register entry will largely be **carried over** and users need only **supplement** them as required and **confirm** them.

Any **additional data required** will be explained and requested by the application in a step-by-step process. During the preparation of the migration entry before its publication, the opportunity will exist until 30 June 2024 to continue editing and updating the current published entry in line with the prior legislation.

¹ In the following text, the regulations cited always refer to the version of the Lobbying Register Act that will come into force on 1 March 2024.

During the transition phase until 30 June 2024, the possibility will exist in regard to the necessary **financial data** to use the data from the **financial year *before last***. This means that it is not essential for the migration that the data for the last financial year be available, and is intended to facilitate the migration process. The data are then to be provided no later than one year after the end of the financial year to which they relate, to prevent transfer to the list of former representatives of special interests. However, six months after the end of the financial year to which the financial data refer, it will be noted in the public register entry that the entry is not up to date.

To further facilitate the migration process, the rest of this document explains **what additional information is required for the migration**. You are recommended to collate as much of this information as possible in advance, so that it can be entered in your register account from 1 March 2024 in order to publish the new register entry in the Lobbying Register by the deadline of 30 June 2024 at the latest.

I. General particulars, regardless of the financial year

1. Master data: “*Hauptstadtrepräsentanz*” (representative office in the capital city)

(Section 3 (1) no. 2 letter (a) of the Lobbying Register Act)

The master data entered to date will automatically be carried over during the migration process.

Under the new legislation, however, if the registered organisation, *in addition to its headquarters*, also has its own branch office at the seat of the German Bundestag and the Federal Government, which means **in Berlin** (“*Hauptstadtrepräsentanz*”, representative office in the capital city), then the **address** and **electronic contact details** (email address and telephone number) of this **branch office** must also be entered.

2. Authorised representatives

(Section 3 (1) no. 2 letter (d) of the Lobbying Register Act)

The names and other particulars of the authorised representatives who have already been entered will automatically be carried over in the migration process. However, **in addition**, the information must be entered for each authorised representative of whether the person **engages directly in the representation of special interests**, which means that they make personal (verbal or written) contact with the addressees of the representation of special interests in the German Bundestag or the Federal Government. The application will enter “No” at this point by default, so that another response must only be selected if this answer does not apply. This should be ascertained for all authorised representatives before the migration is carried out. The birth surname and additional forenames of authorised representatives **do not** need to be entered in the Lobbying Register in future.

3. Persons entrusted with the representation of special interests

(Section 3 (1) no. 2 letter (d) of the Lobbying Register Act)

Up to now, it was only obligatory to list persons who directly carried out the representation of special interests if they were an employee. According to the new legislation, it is now **additionally** obligatory to list certain persons who are not employees. It is now **obligatory to enter all persons who are entrusted with the representation of special interests on more than an occasional basis, and who engage directly in the representation of special interests.**

It is only obligatory to name **persons from the area of responsibility of the registered organisation itself** who are acting **directly on its behalf, with its knowledge and consent**, and who actually engage in the representation of special interests for the registered organisation. Persons should only be entered who are specifically **entrusted** with the representation of special interests, **and who, in engaging in this representation, are directly representing the interests of the organisation.** Persons who undertake the representation of special interests on their own initiative and, as the case may be, without the specific knowledge of the organisation, are *not* to be entered.

This means, for example, that, alongside employees, **members of an association** who provide their services on a **voluntary basis** are also to be entered, as are **members of an extended executive board, members of a supervisory board, or co-opted members of an executive board**; however, persons outside of the organisation who have potentially been contracted to look after the interests of the registered organisation in exchange for compensation are *not to* be entered. They themselves are subject to an obligation to register as contractors.

The names of the employees already listed in the register will automatically be carried over during the migration. However, prior to the migration, it should be clarified whether additional persons are potentially entrusted with the representation of special interests as described above. If applicable, these persons should be added to the entry after 1 March 2024.

4. Revolving door effect

(Section 3 (1) no. 3 of the Lobbying Register Act)

For all natural persons listed in the register entry (authorised representatives and persons entrusted with engaging directly in the representation of special interests), it is obligatory under the new legislation to state whether the person **currently exercises or has exercised in the last five years a mandate, a public office, or a function in the German Bundestag, the Federal Government, or the federal administration.**

This must be ascertained for all of these persons, enquiring if necessary about the relevant function and, if applicable, the relevant **federal authority** in which the person exercised

this activity. A search module will be provided in the register application so that the person making the entry can find and select the relevant authority easily.

The **date (month/year) when this activity ended** is also to be entered, **if applicable**.

The necessary information for all those persons named in the entry should be ascertained in good time. It is recommended that administrators directly ask all of the natural persons named in the register entry for the required information.

5. Differentiated particulars for member numbers

(Section 3 (1) no. 2 letter (e) of the Lobbying Register Act)

If the organisation entered in the register is a membership-based organisation, then the **number of members** must still be entered; however, according to the new legislation, this figure must **additionally be broken down** into **natural persons** on the one hand and **legal persons, partnerships and other organisations** on the other.

As has been the case up to now, this is to be done with reference to the date of the current figure. It is not necessary to update these particulars until the annual financial-year update is carried out (section 3 (3) sentence 2 of the Lobbying Register Act).

6. Comprehensive particulars of the content of activities related to the representation of special interests

The change in legislation means that **considerably more specific particulars** are now required regarding the actual content of the representation of special interests carried out:

a) More precise general description of the activity of representation of special interests

(Section 3 (1) no. 4 of the Lobbying Register Act)

It was already obligatory to provide a general description of the activity of representation of special interests. However, as it has become clear that in practice, the particulars in the relevant free text field were often used solely to provide an extensive and detailed description of the general activity of the registered organisation, section 3 (1) no. 4 of the Lobbying Register Act now expressly requires that in this section, a specific description be given of the activities carried out **for the purpose of the representation of special interests**.

The particulars provided in this section up to now will be carried over in the migration process, but should additionally be **checked**.

Below are three **examples** of appropriate particulars:

Example 1 (company):

“XY GmbH is a company in the field of (...). For the purposes of representation of special interests, meetings are held with representatives of the Federal Chancellery and the federal ministries, as well as with Members of the German Bundestag, to explain the need for changes in regard to a large number of topic areas that are of considerable importance as general conditions for entrepreneurial activities, including in terms of the situation of employees within a company. These range from the shortage of skilled workers, the value of dual vocational training, supply chains, and sustainability, to reducing the burden of bureaucracy. The purpose of the representation of special interests is to put forward a practical perspective and make suggestions aimed at improving the overall economic situation.

As part of this, parliamentary evenings and discussion events to which members of the government, Members of the German Bundestag and representatives of the federal ministries are invited are also held.

In addition, in individual cases, comments and expert opinions on specific regulatory proposals are also compiled and submitted.”

Example 2 (association):

“The association XY is active in the field of (...). The association’s aim is to improve the situation of vulnerable people and to empower them to help themselves. The association seeks direct contact with politicians, particularly Members of the German Bundestag, by writing to them, publishing position papers or organising socio-political get-togethers.

The focus of the association’s representation of special interests is to strengthen the welfare state in the face of the exceptionally challenging current situation, and to design a social security system in Germany that is digital, flexible and future-proof, while retaining a human dimension.

In addition, the association organises discussion and information events to which Members of the German Bundestag are among those invited, with the aim of convincing them of our stance.”

Example 3 (federation):

“The federation XY is constituted mainly of companies and organisations that campaign for (...) by carrying out scientific studies and providing consultancy services on the topic and offering solutions for (...).

The federation's work is based on networking, the exchange of experience, and collaboration between federation members and external stakeholders from business, civil society, the research community and the political sphere.

We foster cross-party dialogue to improve the framework conditions for (...). Using position papers, we provide information on the challenges and potential of (...) and make suggestions for legislation aimed at promoting (...). In addition, the federation connects its members with politicians in order to foster direct dialogue. The federation organises expert events and podium discussions, but also directly publishes comments and expert opinions, and/or submits these to Members of the Bundestag and to the Federal Government."

b) Statement of the specific regulatory proposals that the representation of special interests relates to

(Section 3 (1) no. 5 letter (a) of the Lobbying Register Act)

An **essentially new** aspect of the legislation is the obligation to **specifically state all current, planned, or intended regulatory proposals in regard to which the representation of special interests is to be carried out.**

From now on, **every regulatory proposal** in regard to which the representation of special interests is carried out must be listed individually.

As regulatory proposals at federal level, the following are to be listed:

- **draft laws** put forward by the **Federal Government** or the **German Bundesrat** or **from the floor of the German Bundestag**, and
- **draft statutory instruments** from the Federal Government or its members.

Draft laws from the Bundesrat and **regulatory proposals from the European Union**, European Union directives or regulations, or drafts of these are only relevant where representation of special interests is carried out **vis-à-vis the addressees in the German Bundestag or the Federal Government** in regard to them.

It is only obligatory to enter a regulatory proposal if the general activity of representation of special interests in the individual case refers to **specific proposals for changes to, the abrogation of, or the introduction of legal provisions.**

Example:

If it is generally contended that measures must be taken to increase the competitiveness of German companies, it is sufficient to state this in the description of the general activity of representation of special interests. If, however, specific suggestions are made, for example on the introduction of an industry price or transition price for energy, then the regulatory proposal in question must be stated at this point.

For every regulatory proposal, if it is known that a **Bundestag or Bundesrat printed paper** already exists for the proposal in question (bills of the Federal Government are generally initially submitted to the Bundesrat), then this should be specifically stated in the entry, with reference to the printed paper number.

If it is not known whether a bill has already been presented to the Bundesrat or the German Bundestag in regard to the regulatory proposal that is to be influenced, then the title of the regulatory proposal is to be given as specifically as possible.

If this is a proposal in regard to which a “**Referentenentwurf**” (ministry draft) exists or an **involvement procedure** is being or has been carried out by the Federal Government (see section 47 of the Joint Rules of Procedure of the Federal Ministries (*Gemeinsame Geschäftsordnung der Bundesministerien*, GGO)), then the relevant titles of these regulatory proposals will be provided directly in the application for selection, sorted by federal ministry.

If this is not the case, then the regulatory proposal that the representation of special interests relates to is to be described as specifically as possible in a **free text field**.

In addition, for each regulatory proposal, information is to be provided on the relevant **areas of interests and objectives** (option to select from the areas of interests and objectives stated in the general part of the entry) and, if applicable, on the amendment of which **existing laws** the representation of special interests relates to. A search module will be provided in the application for this, too, so that the laws or ordinances can be found easily. If the regulatory proposal does not specifically apply to the amendment of an existing law, or if it is not known which current law is to be amended, then these particulars may be omitted.

It should generally be noted that **no additional research** needs to take place outside of the registered organisation; only information that **is already available within the organisation** is to be entered.

c) Essential comments and expert opinions

(Section 3 (1) no. 5 letter (b) of the Lobbying Register Act)

Although this does not play a part in the migration process itself, reference should be made at this point to the fact that **in future**, essential written comments and expert opinions that are to be provided to the addressees of the representation of special interests in the Bundestag and the Federal Government in regard to the regulatory proposals specified must be uploaded to the Lobbying Register **by the end of the quarter in which they are submitted** at the latest.

However, this obligation relates solely to comments or expert opinions that are submitted **after the law comes into force on 1 March 2024** in regard to specific regulatory proposals and that are then to be stated in the register entry. It is therefore not necessary to upload comments submitted in regard to a regulatory proposal prior to 1 March 2024, including if the representation of special interests continues to take place in regard to this regulatory proposal.

In addition, only **essential** comments and expert opinions must be uploaded. These are, in particular, comments and expert opinions that contain **material arguments or positions in regard to specific regulatory proposals**. This means that, in any event, such comments and expert opinions are to be included in the register in which material arguments are expressed for or against the amendment or abrogation of an existing piece of regulation and/or for or against the introduction of a new piece of regulation, or in which specific regulatory proposals for new or existing regulations are put forward or formulated.

This applies **regardless of the form** in which essential comments and expert opinions are directed at and submitted to the addressees of the representation of special interests. It therefore does not depend on whether the document is formally labelled a “comment” or an “expert opinion”.

What is relevant is whether the comment or the expert opinion **plays a fundamental role** in the representation of special interests carried out by the respective representative of special interests **in regard to the intended influence** to be exercised.

It is not obligatory to provide comments or expert opinions that have already been uploaded to the register and the contents of which are simply repeated at a later date; that take up and support or further explain and expand on positions and arguments that have already been presented; or that are issued in response to queries regarding comments or expert opinions that have already been provided. These comments and expert opinions may nonetheless be provided in order to further increase transparency.

So as not to unduly add to the burden, only those comments and expert opinions are to be provided **that have not been published within formal involvement processes**. As the comments and expert opinions in question have already been published as part of

another process, there is no need for representatives of special interests to also provide them in the Lobbying Register.

As a result, all comments and expert opinions that are **submitted by the Federal Government** as part of Federal Government **involvement processes** in accordance with section 47 of the Joint Rules of Procedure of the Federal Ministries or that have been **requested** during **committee hearings** in accordance with section 70 of the Rules of Procedure of the German Bundestag (*Geschäftsordnung des Deutschen Bundestages*, GO-BT), are **exempt from the obligation to upload them**.

Those essential comments and expert opinions that have not been kept track of and published in other places or in other processes are to be provided in the Lobbying Register.

In preparation for compliance with this legal requirement, it is recommended that within the registered organisation, relevant comments are provided to the administrators of the register entry as soon as possible after they are sent, so that they can be uploaded to the Lobbying Register.

Comments and expert opinions are initially to be **uploaded to the register as PDF files**.

In addition, the **text content** (without graphs, images or tables) of each comment or expert opinion is to be entered **in an input field provided in the register application for this purpose**. This allows the content to be collated in a way that is machine readable.

When doing this, please ensure that the comment or expert opinion is entered **without any personal information**, or is in the form of documents for publication in which personal information has been redacted. If the document nonetheless contains personal information, it must be ensured that **the person affected agrees to the publication of their data**.

In addition, care should be taken to ensure that comments or expert opinions contain **no trade or commercial secrets** and that their publication does not **violate any intellectual property rights**.

In addition to uploading the documents, information is to be provided on the **date of submission** and a **designation in abstract terms of the addressees** within the Federal Government and/or the Bundestag. Options will be provided in the application for this purpose.

II. Particulars relating to the financial year

The additional or revised requirements for entries **relating to a financial year** are listed below. These particulars (section 3 (1) no. 8 letters (a) to (e) of the Lobbying Register Act) are all to be provided for a financial year and are to be **updated** no later than **six months after the end of the financial year to which they relate**. If, when the migration process is carried out, the financial particulars for the last financial year are not yet available, then until 30 June 2024, **as an exception**, the data for the **previous** financial year may initially be provided.

1. Particulars of the financial years

(Section 3 (1) no. 7 of the Lobbying Register Act)

In future, it is obligatory first to provide **exact dates for the financial years**. The start and end of the **current**, the **last** and the **previous financial year** are to be entered.

This represents a **key new obligation** that should be met with the utmost care, because it serves as the basis for all of the subsequent particulars and for the obligations regarding the updating of information.

2. Particulars of the number of employees involved in the representation of special interests, in full-time equivalents.

(Section 3 (1) no. 6 of the Lobbying Register Act)

In future, the **number of employees** involved in the representation of special interests will no longer be entered in the form of a headcount and in increments. Particulars are **now to be provided in the form of full-time equivalents (FTE)**. The information is to be in the form of a **decimal figure**, and increments are not used. This provides a more realistic overview of the staffing possibilities of the representation of special interests in question. When calculating the number of **FTE**, the following formula can be used as guidance:

“Total number of working hours of the respective employee in the area of representation of special interests divided by the average working hours of a full-time position within the relevant organisation (full-time, in hours) = full-time equivalents, FTE.”

Example:

If a person spends 10 hours per week working on the representation of special interests when the average working time in a full-time post is 40 hours, then this represents a full-time equivalent (10/40) of 0.25.

In addition, when calculating the number of employees, a **minimum limit of 10 percent** is to be taken into account. Employees are only to be included in the figure if the representation of special interests accounts for **at least 10 percent of their work** (FTE = 0.10). The aim of this minimum limit is to allow employees who are only deployed in the representation of special interests occasionally or as deputies for others, or for whom the representation of special interests only makes up a very small part of their job, to be omitted from this figure. In addition, the provision by law that allows an **estimate of full-time equivalents** to be provided aims to simplify the calculation of the proportion of the role of individual employees that is used for the representation of special interests.

To calculate the FTE figure, it is helpful to specifically ask all **employees** who are active in the representation of special interests, which means

- 1) **all registered authorised representatives,**
- 2) **all employees who engage directly in the representation of special interests, and**
- 3) **all other employees who contribute to the substance of the representation of special interests in any way on a more than occasional basis, including by regularly assisting, researching, providing suggestions or providing support in another way to the representation of special interests (“back office”)**

who spend **more than 10 percent of their working time** engaging in the representation of special interests for the registered organisation, the extent to which they engaged in the representation of special interests during the financial year in question.

In doing this, it is sufficient for the person in question to provide a **well-founded estimate, to the best of their knowledge**, of the **proportion of their working hours** that they have spent engaging in the representation of special interests.

Added together, the amounts provided by employees provide the total FTE spent on the representation of special interests to be entered in the application.

3. Particulars of the main sources of financing, in descending order of their proportion of total income

(Section 3 (1) no. 8 letter (a) of the Lobbying Register Act)

An essentially new aspect of the legislation is the obligation in future to state all of the **main sources of financing** of the registered organisation in **descending order** of their proportion of total income, beginning with the largest source.

For this point, information is **not** required on the **amount of the income in question**, but rather, all that is required is the proportional order of sources of income and therefore the **general weighting!**

Users can select from the following potential **sources of financing**, which are then to be listed in descending order according to the proportion that they represent of the organisation's total income:

- **Economic activity**
- **Allowances from the public purse**
- **Gifts and other lifetime donations**
- **Membership dues**
- **Other**

If none or only some of the sources of financing available for selection apply to the representative of special interests, this information can also be entered.

4. Particulars of annual financial expenditure for representation of special interests

(Section 3 (1) no. 8 letter (b) of the Lobbying Register Act)

As has been the case up to now, particulars of **annual financial expenditure involved in the representation of special interests** must be entered, in increments of EUR 10,000.

It will no longer be possible in future to withhold this information!

As the basis for calculation and the process for determining financial expenditure seem to diverge greatly in practice and this has in some cases led to **doubts regarding the uniformity of particulars** in the register, please refer to the detailed explanation of the uniform calculation of annual financial expenditure for representation of special interests on **pages 116 to 128** of the [handbook for making entries in the lobbying register](#) (last revised 15 November 2022, available on the Lobbying Register website).

All costs are still to be entered that were incurred during the financial year in question as a result of activity in the representation of special interests. 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** and that resulted from the **representation of special interests at the federal level only.**

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

- **Personnel costs**
- **Infrastructure costs**
- **Representation costs**
- **Costs for external consultancy and support services**
- **Other costs for representation of special interests**

When calculating **personnel costs** in particular, it is recommended that as precise and uniform a summary of the particulars for the persons in the three groups of **employees** listed above in (2) be compiled, so that the actual costs for each individual can be determined and included in the total expenditure. It is not necessary to include employees who spend less than 10 percent of their working time engaging in the representation of special interests.

5. Particulars of individual allowances and grants from the public purse

(Section 3 (1) no. 8 letter (c) of the Lobbying Register Act)

It will also no longer be possible in future to withhold information on individual allowances and grants from the public purse!

In addition, the **threshold** above which allowances and grants from the public purse must be disclosed has been **reduced**. Now, if a **total value of EUR 10,000** is exceeded for one body providing funding in a financial year, then the allowance or grant is to be entered.

The Act now also clarifies that, as well as information on allowances from the **German public purse**, allowances from the **European Union, its Member States or third countries** must also be entered.

Clarification is also provided that only those allowances are to be entered that are related to the **primary object of the company or of the organisation**.

6. Particulars of gifts and other lifetime donations from third parties

(Section 3 (1) no. 8 letter (d) of the Lobbying Register Act)

It will also no longer be possible in future to withhold information on gifts from third parties!

The scope of this information has also been expanded to include “**lifetime donations**”, which means that from now on, donations that are conditional on something being provided in return or that result in promotional or other publicity benefits (**sponsoring contributions**) are also included. As before, legacy donations (bequests) are not to be included.

When entering these particulars, the **total amount** of gifts and other lifetime donations from third parties is **always** to be entered in increments of EUR 10,000 for the financial year in question.

Particulars of individual gifts are only to be entered in future if they exceed a **total value of EUR 10,000 from a single donor in one financial year** and at the same time also exceed 10 percent of the total annual amount of gifts and other lifetime donations entered above as the benchmark.

If this is the case, then the **amount of the gift**, the **surname and forename** and the **company or designation** of the donor must be entered, together with a **brief description of the benefit**.

In regard to gifts from third parties given before the entry into force of the Lobbying Register Act on 1 March 2024, **consent** should be obtained from the donor to enter the particulars of the gift and the relevant personal data in the Lobbying Register if it has not already been given. If it is not possible to obtain consent, then **as an exception for gifts received before 1 March 2024, these particulars may be provided in anonymised form**; this means that instead of the name, a general designation for the donor may be given (for example natural person, legal person, company, foundation, association or similar) (see section 8 (3) of the Lobbying Register Act).

With the entry into force of the new regulations, donors must expect that the relevant particulars will be published in the Lobbying Register for gifts with these criteria. **From 1 March 2024, those giving gifts, which includes donors, should therefore be made aware that there is a future legal requirement as of a specific threshold value to publish their name and the value of the gift(s) within the appropriate range in the Lobbying Register.**

It is compulsory for particulars to be given by name in regard to gifts that are given after the entry into force of the Act on 1 March 2024 and that exceed 10 percent of the total amount of gifts received in the respective financial year.

7. Particulars of membership dues

(Section 3 (1) no. 8 letter (e) of the Lobbying Register Act)

In future, particulars of the **membership dues** received in a financial year must also be provided. Specifically, the **total amount received from membership dues in the respective financial year** is initially also to be entered here, **in increments of EUR 10,000**.

In addition, the **surname and forename** and **company or designation** must be entered for each member of an organisation who pays dues that **exceed a total value of EUR 10,000 in one financial year** and at the same time also exceed **10 percent of the total annual amount of membership dues received** as the benchmark. This means that conspicuous payments of individual membership dues are disclosed. **The amount of individual membership dues paid is not to be entered.**

These particulars may not be withheld either!

Members who pay membership dues that are conspicuous should therefore be made aware that as a rule, as of a particular threshold value there is a legal requirement to publish their name or designation in the Lobbying Register, but that the information published will not include the exact amount of the annual membership dues.

8. Annual accounts or management reports of legal persons, partnerships and sole traders

(Section 3 (1) no. 8 letter (f) of the Lobbying Register Act)

In regard to the obligation to provide annual accounts or management reports in the Lobbying Register, there are **three changes** to existing legislation:

- a) One is that **partnerships and sole traders**, as well as representatives of special interests **who are subject to disclosure obligations under commercial law** are now under a legal obligation to provide their **annual accounts or management reports**, which they potentially already publish elsewhere, **directly in the Lobbying Register**.
- b) In addition, the management reports that are to be uploaded are now required by law to meet certain **minimum standards** in regard to the general requirements for proper accounting practices: where there are no other provisions in place and where **total income is more than EUR 10,000**, the management reports must include a minimum of a **statement of revenue and expenditure**.
- c) Lastly, to make it easier to comply with the obligation to register, there is now a legal provision stating that, if the annual accounts or management report of the last financial year are not yet available at the time of the annual updating requirement (six months after the end of the financial year to which they relate), **as an exception, the annual accounts or management report of the previous financial year may be provided**. The annual accounts or management report of the last financial year, which are the accounts that are actually required, are, however, to be **uploaded to the register without delay on their completion**.

III. If applicable: comprehensive information on commissioning relationships

In cases where the representative is not only representing their own interests but is also representing special interests on behalf of others, the change in legislation means that **considerably more specific particulars are now required in regard to this commissioning relationship.**

A **structural change** has also taken place: the starting point is now always a meaningful **description of the commissioned representation of special interests** in which the respective client within the commissioning relationship is to be named. The description of the content of the commissioned activity is always to be based on the existing overall commissioning relationship corresponding to the contractual agreement.

The **four sub-categories listed below are to be edited for each individual commission:**

1. Precise description of the commissioned activity

(Section 3 (2) no. 1 in conjunction with section 3 (1) nos. 4 and 5 (a) of the Lobbying Register Act)

In future, a **description of the commissioned representation of special interests** must always first be provided for every commissioning relationship.

Information must be provided on the **area of interests and objectives** for which the representation is commissioned, and the **activity** carried out for the purposes of the commissioned representation of special interests **is to be described**. In addition, it is to be stated whether the commissioned representation of special interests is related to a **specific regulatory proposal**. Regulatory proposals that have already been entered will be provided for selection during the entry process.

This information must be provided **forthwith**, that is, without undue delay, and at the latest when relevant contact is to be initiated with the German Bundestag or the Federal Government.

2. Particulars of the identity of clients whose interests the registrant represents

(Section 3 (2) no. 2 of the Lobbying Register Act)

For every commissioning relationship, particulars must also be provided of the **identity of the respective client** for whom the representation of special interests is carried out, **even if the client is themselves not subject to an obligation to register.**

Clients already listed in the register entry will be carried over during the migration process and will be provided as options for selection in the application during entry of the individual commissioning relationships that are now to be entered.

The option is available to name more than one client in the case of contractual commissioning relationships in which several clients exist.

There is also the option to reference clients. The benefit of this is that changes to the particulars in clients' register entries are then **automatically** updated in this entry. If clients have their own entries in the Lobbying Register, then as before, all that is required is to enter the relevant **register numbers**.

If, by way of exception, a client **does not have their own register entry**, then the following particulars are to be provided:

For a **natural person**:

- surname, forename, academic qualification (optional), stage or pen name or religious name (optional),
- address,
- electronic contact details (email address and telephone number),
- company name or designation of the company, if applicable.

For a **legal person, partnership or other organisation**:

- company, name or designation of the organisation, its website, electronic contact details (email address, telephone number) and address, as well as the address and electronic contact details (email address and telephone number) of the "Hauptstadtrepräsentanz" (representative office in the capital city), if applicable,
- legal form or type of organisation,
- surname, forename, academic qualification (optional), stage or pen name or religious name (optional) and electronic contact details (email address and telephone number) of all statutory or other authorised representatives.

3. Particulars of the financial resources received from the client per commission

(Section 3 (2) no. 4 of the Lobbying Register Act)

In future, the **financial resources received** from each client **per commission** must also be entered for the last financial year **in increments of EUR 50,000**.

If a commission is made by more than one client, then the total amount of the commission can be divided by the number of clients, or if different proportions of the total commission volume are set out in the contract, then these must be used as the basis for this calculation.

As is the case for the other financial particulars, the particulars of the financial resources received for the representation of special interests for each commission must be entered

for the last financial year, although in this case the amounts are to be entered in **increments of EUR 50,000**.

These particulars are also to be updated **no later than six months after the financial year** to which they refer.

4. Particulars of the specific persons or organisations deployed to carry out the commissioned representation of special interests

(Section 3 (2) no. 3 of the Lobbying Register Act)

In future, details must be provided of which **persons, sub-contractors** and/or subordinate contractors are deployed to carry out each commission for the respective representation of special interests. This information must make it possible to identify which persons are deployed by a subordinate contractor for the representation of special interests commissioned in each case, so that the actual client of the person who represents the **last link in the chain** may be ascertained.

A differentiation is to be made among **four groups** for which particulars are to be entered of those persons or organisations deployed to carry out the commissioned representation of special interests. Different particulars are to be provided in each case:

- a) If representatives of special interests who have been **personally entrusted** with the commission are deployed, the names that were previously entered for “persons entrusted with the representation of special interests” will be listed in the application, so that the administrator need only select the correct name.
- b) If natural persons or legal persons, partnerships or other organisations are deployed as **sub-contractors** and have their **own register entry**, then the relevant register entry should be referenced by entering the associated **register number**.
- c) If **natural persons are deployed as sub-contractors** and by way of exception they **do not have their own register entry**, then the following particulars are to be provided for each person:
 - surname, forename, academic qualification (optional), stage or pen name or religious name (optional),
 - address,
 - electronic contact details (email address and telephone number),
 - company name or designation of the company, if applicable,

- particulars of any mandate, public office, or function in the German Bundestag, the Federal Government, or the federal administration that the person currently exercises or has exercised in the last five years (“revolving door effect”).

d) If **legal persons, partnerships or other organisations are deployed as sub-contractors** and by way of exception they **do not have their own register entry**, then the following particulars are to be provided for each of them:

- company name, name or designation of the organisation, its website, electronic contact details and address,
- legal form or type of organisation,
- surname, forename, academic qualification (optional), stage or pen name or religious name (optional) and electronic contact details (email address and telephone number) of all statutory or other authorised representatives,
- surname, forename, academic qualification (optional) and stage or pen name or religious name (optional) of those persons who are entrusted with the representation of special interests on more than an occasional basis, and who engage directly in the representation of special interests for the specific commission,
- for each natural person listed, particulars of any mandate, public office, or function in the German Bundestag, the Federal Government, or the federal administration that the person currently exercises or has exercised in the last five years (“revolving door effect”).

IV. Notes on the future obligation to update entries (section 3 (3) of the Lobbying Register Act)

Although it is not relevant for the immediate migration process, please note that the **obligations regarding the updating of entries will change** when the new legislation enters into force: the “annual update” in place up to now, which was based on the incidental date of the original entry, has been removed. Instead, an **annual update must take place each financial year** and confirmation of the overall entry **must be given no later than six months after the end of the financial year**.

If the necessary **financial-year update** is not carried out in time, then an electronic message will be sent out prompting the administrator to rectify this. If there is no response to this prompt within 30 days, it will be noted in the public register entry that the entry is not up to date. If the financial-year update is not carried out at the latest by the time a further 150 days (approx. five months) have passed, the entry will automatically be **transferred to the list of former representatives of special interests**.

According to section 3 (3) sentence 1 of the Lobbying Register Act, in contrast, there is an obligation to **update without (undue) delay**, changes to particulars related to:

- the **master data** of the legal person, partnership or other organisation,
- the **particulars of the identity of authorised representatives**,
- those **persons** who are **entrusted** with the representation of special interests on more than an occasional basis and who **engage directly in the representation of special interests**,
- the **areas of interests and objectives**,
- the **description of the general activity in the representation of special interests**,
- the outline of the aim of the lobbying in the form of the **particulars of the specific regulatory proposals** in regard to which representation of special interests is carried out, and
- **any existing commissions** to represent third-party interests.

The obligation to update master data on a quarterly basis that applied up to now has been converted to an obligation to **update the data without delay**. This ensures that every person who is entrusted with the representation of special interests on more than an occasional basis and who engages directly in the representation of special interests, including the description of the content of the aim of the lobbying, can be identified in the Lobbying Register, and the representative of special interests can always be contacted by electronic means. This means that addressees of the representation of special interests in the German Bundestag or the Federal Government are always in a position to identify who is approaching them and what that person’s profile is in regard to the representation of special interests.

The only **exception** applies to the **provision of comments or expert opinions**. In these cases, it is sufficient if the comment or expert opinion in question is uploaded **no later than the end of the quarter** in which it is sent to the addressees in accordance with section 1 (1) and (2) of the Lobbying Register Act.

V. Summary overview

Below is a summary of the information described above that is potentially to be entered in the register entry for the first time as of 1 March 2024:

- Address and electronic contact details (email address and telephone number) of a branch office in Berlin (“**Hauptstadtrepräsentanz**”, representative office in the capital city), if applicable
- **Information for each authorised representative as to whether they engage directly in the representation of special interests**
- Particulars of those **persons** who are *entrusted with the representation of special interests on more than an occasional basis and who engage directly in the representation of special interests*
- For all of the natural persons listed in the register entry: information on whether the person currently exercises or has exercised in the last five years a mandate, a public office, or a function in the German Bundestag, the Federal Government, or the federal administration, including the date they ceased these activities, if applicable (“**revolving door effect**”)
- If applicable: a breakdown of the **number of members** into natural persons and legal persons, partnerships or other organisations
- A more precise **general description of the activity of representation of special interests**
- A specific statement of the **regulatory proposals** that the representation of special interests relates to, providing the title, the relevant area of interests and objectives, and, as the case may be, the applicable laws or ordinances to which each regulatory proposal refers
- **Essential comments and expert opinions** that have not been published within formal involvement processes, providing the **date of submission** and a **designation in abstract terms of the addressees**
- The following **particulars for specific financial years**:
 - a) **The start and end of the current, the last and the previous financial year**
 - b) The **number of employees** involved in the representation of special interests, **in full-time equivalents**
 - c) The **main sources of financing** in descending order of their proportion of total income
 - d) **Annual financial expenditure for representation of special interests**
 - e) **Allowances and grants from the German public purse, the European Union, its Member States or from third countries** that are related to the primary object of the company or organisation and that are greater than **EUR 10,000**
 - f) The total amount of **gifts and other lifetime donations** from third parties in increments of EUR 10,000 and particulars of individual donors, if applicable
 - g) The total amount of **membership dues** received for the financial year in increments of EUR 10,000 and particulars of individual members who have paid dues, if applicable

-
- h) **Annual accounts or management reports** of legal persons, partnerships and sole traders
 - Comprehensive **information on commissioning relationships**