

Code of Conduct for Members of the German Bundestag

Rule 1

Obligation to provide information

(1) A Member of the Bundestag shall be obliged, in respect of the period prior to his membership of the Bundestag, to inform the President in writing of

1. the occupation he or she last practised;
2. activities as member of a board of management, supervisory board, administrative board, advisory board or other body of a company or of an enterprise operated in another legal form;
3. activities as member of a board of management, supervisory board, administrative board, advisory board or other body of a corporation or institution under public law;

(2) Moreover, a Member of the Bundestag shall be obliged to inform the President in writing of the following activities engaged in or taken up, or contracts binding on him, during membership of the Bundestag:

1. remunerated activities engaged in alongside the exercise of his office, either by virtue of being self-employed or by virtue of being a salaried employee. These include, for example, continuing an occupation engaged in prior to membership of the Bundestag, as well as consultancy, representation, the provision of expert opinions, or writing or lecturing activities. There shall be no obligation to inform the President of fees received for the provision of expert opinions and for writing or lecturing activities where the income agreed upon does not exceed the sum of €1000 per month or €10,000 per year;
2. activities as member of a board of management, supervisory board, administrative board, advisory board or other body of a company or of an enterprise operated in another legal form;
3. activities as member of a board of management, supervisory board, administrative board, advisory board or other body of a corporation or institution under public law;
4. activities as member of a board of management or other managerial or advisory body of a club, association or similar organisation, or of a foundation of not exclusively local importance;
5. the existence or making of agreements whereby the Member of the Bundestag is to be assigned certain activities or receive pecuniary benefits during or after membership of the Bundestag;
6. Interests held in a joint-stock company or partnership, if this results in considerable economic influence on the company. The limits of the obligation to declare interests shall be laid down by the President in the implementing provisions to be issued pursuant to paragraph (4).

(3) In respect of activities or contracts for which an obligation to provide information pursuant to paragraph (2), numbers 1 to 5 exists, the amount of income derived therefrom shall also be declared if it exceeds the amount of €1000 within one month or the amount of €10,000 within one year. Calculations to determine whether the ceilings are exceeded shall be based on the gross amounts due for an activity, including expenses, compensation and benefits in kind.

(4) The President shall, after providing the Presidium and the chairpersons of the parliamentary groups with the opportunity to comment, issue implementing provisions on the content and scope of the obligation to provide information.

(5) The obligation to provide information shall not include the notification of facts concerning third parties in respect of whom the Member can invoke a statutory right to refuse to give evidence or a duty not to disclose confidential information. In such cases, the President may stipulate in the implementing provisions that the obligation to provide information must be fulfilled such that the rights set out in sentence 1 are not infringed. To this end, he may, in particular, include provisions requiring the naming of the economic sector concerned, rather than details of the client concerned.

(6) Declarations of interest pursuant to the Code of Conduct must be submitted to the President within three months of becoming a Member of the German Bundestag, or when changes or additions occur during the electoral term.

Rule 2

Lawyers

(1) Members of the Bundestag who, for a fee, represent the Federal Republic of Germany in court or out of court, shall inform the President of this representation if the fee exceeds a minimum amount specified by the President.

(2) Members of the Bundestag who, for a fee, represent a third party in court or out of court against the Federal Republic of Germany shall inform the President of this representation if the fee exceeds a minimum amount specified by the President.

(3) Paragraphs (1) and (2) shall apply mutatis mutandis in respect of the representation of a party in court or out of court, particularly for or against federal corporate bodies, institutions or foundations under public law.

Rule 3

Publication

The information furnished pursuant to Rule 1, paragraph (1), number 1 and paragraph (2), numbers 1 to 6, shall be published in the Official Handbook and on the website of the German Bundestag. For information furnished pursuant to Rule 1, paragraph (3) on income, each declared case shall be placed in one of three categories depending on the level of income received and the category of income published. Category 1 applies to one-off or regular monthly income between €1000 and €3500; category 2 applies to income up to a ceiling of €7000; and category 3 applies to income above the threshold of €7000. Regular monthly income is labelled as such. Where irregular income from an activity is declared during a calendar year, the annual sum is calculated and the category of income is published for the year concerned.

Rule 4

Donations

(1) A Member of the Bundestag shall keep separate account of donations of money and all kinds of gifts of pecuniary value (donations) made available to him for his political activities.

(2) A donation the value of which exceeds €5000 in one calendar year shall be notified to the President, with the name and address of the donor and the total amount donated being stated.

(3) Donations the value of which individually or, in the case of several donations from the same donor, taken together, exceeds €10,000 in one calendar year shall be published by the President, with the amount and origin being stated.

(4) In respect of donations of money to a Member of the Bundestag, Section 25, paragraphs (2) and (4) of the Law on Political Parties shall apply mutatis mutandis.

(5) Gifts of pecuniary value shall be treated in the same way as donations of money pursuant to the following provisions:

a) Gifts of pecuniary value received in connection with interparliamentary or international activities or participation in events to state the viewpoints of the German Bundestag or of its parliamentary groups shall not be deemed to be donations within the meaning of this regulation; however, they shall be declared pursuant to paragraph (2).

b) Gifts of pecuniary value which a Member of the Bundestag receives as a guest in connection with his mandate shall be notified and handed to the President; the Member may apply to keep the gift if he pays the Federal Cash Office a sum equivalent to its value. Notification is not required if the material value of the gift does not exceed a sum laid down in the implementing provisions issued by the President (Rule 1, paragraph (4)).

(6) The President shall, in consultation with the Presidium, take a decision on the use of declared gifts which Members have received as guests as well as of donations unlawfully accepted.

Rule 5

Reference to membership

In occupational or business matters no reference shall be made to membership of the Bundestag.

Rule 6

Disclosure of interests as a committee member

Every Member of the Bundestag in receipt of remuneration for his activities in connection with a subject to be debated in a committee of the Bundestag shall, prior to the deliberations, disclose as a member of that committee any link between these interests and the subject to be debated where this is not evident from the information published pursuant to Rule 3.

Rule 7

Request for further information

In cases of doubt the Member of the Bundestag shall be obliged to ascertain, by requesting further information from the President, what his duties resulting from this Code of Conduct are.

Rule 8

Procedure

(1) If there are indications that a Member of the Bundestag has failed to meet his obligations pursuant to the Code of Conduct, the President shall in the first instance gain a statement from the Member concerned and then set in motion a factual and legal investigation of the facts of the case and the legal facts. He may demand further information from the Member concerned to explain and clarify the situation and may ask the chairperson of the parliamentary group to which the Member concerned belongs to state his position.

(2) If, having examined the facts, the President believes that the case in question constitutes a less serious case, or a case of minor negligence (e.g. failure to declare information before the relevant deadline), the Member concerned shall receive an admonishment. Where this is not the case, the President shall inform the Presidium and the chairpersons of the parliamentary groups of the result of the investigation. Having heard the Member concerned, the Presidium shall then state whether a failure to comply with the Code of Conduct has taken place. A statement by the Presidium that a Member of the Bundestag has failed to meet his obligations pursuant to the Code of Conduct shall, notwithstanding further sanctions pursuant to Section 44a of the Members of the Bundestag Act, be published as a printed paper. A statement that no such offence has been committed shall be published at the request of the Member of the Bundestag.

(3) If there are indications that a member of the Presidium or the chairperson of a parliamentary group has failed to meet his obligations, the Member of the Bundestag concerned shall not attend meetings in the framework of these proceedings. In place of the chairperson of the parliamentary group concerned, his deputy shall be heard pursuant to paragraph (1) and informed pursuant to paragraph (2). If there are indications that the President has failed to meet his obligations, his deputy shall proceed in accordance with the provisions of paragraphs (1) and (2).

(4) After hearing once again the Member who has failed to meet his reporting obligations, the Presidium may decide to impose a coercive fine. The level of the fine shall depend on the gravity of the case in question and the degree of fault. The fine may not exceed fifty per cent of the annual remuneration for Members. The President shall decide on the level of the fine. At the request of the Member in question, he shall be allowed to pay the fine in instalments. Section 31, sentences 3 and 4 of the Members of the Bundestag Act shall apply *mutatis mutandis*.

(5) In cases covered by Section 44a paragraph (3) of the Members of the Bundestag Act, the President shall, after hearing the Member concerned, set in motion a factual and legal investigation. The examination of whether an appropriate service has been rendered in return within the meaning of Section 44a paragraph (2), sentence 3 of the Members of the Bundestag Act shall be based on the levels of remuneration which could typically be expected; an examination of whether the benefits received and the service provided are obviously out of proportion shall assist in this. Measures pursuant to this paragraph can only be taken within three years of receipt of the gift or pecuniary benefits. The President may ask the Member to provide additional information to explain and clarify the facts of the case and ask the chairperson of the parliamentary group to which the member belongs for a statement. If the President believes that an impermissible remuneration as defined by Section 44a paragraph (2) of the Members of the Bundestag Act has been paid, he shall inform the Presidium and the chairpersons of the parliamentary groups of the result of the investigation. After hearing the Member concerned, the Presidium shall ascertain whether an infringement of Section 44a paragraph (2) of the Members of the Bundestag Act has taken place. The President shall assert this entitlement by means of an administrative act, in line with Section 44a paragraph (3) of the Members of the Bundestag Act. Notwithstanding further sanctions pursuant to Section 44a of the Members of the Bundestag Act, the statement indicating that a Member of the Bundestag has infringed his duties under the Members of the Bundestag Act shall be published as a printed paper. The statement that an infringement has not taken place may be published at the request of the Member of the Bundestag. Paragraph (3) applies *mutatis mutandis*.