



Membership Fee Regulations

Bitkom
Federal Association for Information Technology,
Telecommunications and New Media

Version as of 26 June 2018

I. Bitkom membership fee

As of the contribution year 2019, Bitkom will charge fees from its full members (in accordance with clause 1) and associated members (in accordance with clause 2) according to the Articles of Association. The above-mentioned members are obligated to pay fees to Bitkom in accordance with § 6 of the Articles of Association. Personal members, founding members and honorary members are not obligated to pay fees.

1. Full members

Relevant areas of activity for full membership

The areas of activity of companies in the ICT sector relevant for full membership are defined in appendix 1 to this Membership Fee Regulations (in accordance with § 3 clause 1 sentence 1 of the Articles of Association) and of companies in sectors whose products or services are significantly carried by ICT in appendix 2 hereof (in accordance with § 3 clause 1 sentence 2 of the Articles of Association). A new definition in the appendices may be introduced effective at the beginning of a calendar year through a resolution of the executive board. As soon as a company covers areas of activity in both appendices, from ICT revenues of 5 % measured according to the total revenues only the provisions for the area of activity according to appendix 1 will apply for the calculation of the fee, otherwise appendix 2 shall apply for that calculation.

1.1 Regular fee for members in accordance with § 3 clause 1 sentence 1 of the Articles of Association

Bases for assessment

The amount of the regular fee is calculated using the net sales or number of employees, provided that special regulations do not apply. The lower of the two fees, either the result of the calculation according to net

sales or according to the number of employees, is charged for the collection of fees. For operating facilities within the meaning of § 12 of the German Tax Code (Abgabenordnung), the sales revenues and the number of employees attributable to the respective operating facility in accordance with the applicable tax regulations are used as the basis for assessment.

Sales-related basis for assessment

The net sales are determined according to § 277 Section 1 of HGB (German Commercial Code) by including the exports.

If the member only generates a portion of his sales via products and services in the Bitkom area of activity in accordance with appendix 1 (ICT sales), the basis for assessment is, per member request, based on achieved ICT sales if they have been audited by an accountant or certified auditor or shown to be credible via other suitable means.

If a member does not primarily pursue economic purposes and finances himself primarily from government grants or from third parties, these payments, insofar as they are related to Bitkom's field of activity, are also deemed to be sales revenues in accordance with Section 277 (1) HGB (German Commercial Code) in addition to his own sales revenues.

Employee-related basis for assessment

The number of employees is calculated pursuant to § 285 No. 7 of HGB (German Commercial Code). If only a portion of the employees are directly or indirectly involved with provision of the service portfolio in the Bitkom area of activity in accordance with appendix 1 (ICT employees), the basis for assessment is, per member request, based on the number of ICT employees, if this number has been audited by an accountant or certified auditor or shown to be credible via other suitable means.

The employee-related basis for assessment is calculated by multiplying the number of relevant employees by a factor. The factor is EUR 335,000 (status: 2019). The factor is adjusted for the following years in accordance with Section I clause 4 of the general price trend.

Fee calculation

The regular fee is calculated by transferring the determined basis for assessment into the following fee scale. The total fee is calculated by adding the corresponding fee pro rata amounts, which are to be applied according to the parameters. The parameters of the basis for assessment for the 2019 fee are listed below.

The parameters are adjusted for the following years in accordance with Section I clause 4 of the annual price index change.

Parameters of the basis for assessment (status: 2019) in Euro	Fee in % of basis for assessment
Pro rata up to EUR 2,000,000	Minimum fee
Pro rata above this amount up to EUR 4,400,000	0,05 %
Pro rata above this amount up to EUR 11,100,000	0,04 %
Pro rata above this amount up to EUR 44,600,000	0,03 %
Pro rata above this amount up to EUR 278,600,000	0,02 %
Pro rata above this amount up to EUR 557,100,000	0,01 %
Pro rata above this amount up to EUR 1,114,200,000	0,005 %
Pro rata above this amount	0,001 %

1.2 Minimum fee

The minimum fee is EUR 2,000.

1.3 New members

Basic principle

New members can, per request, make use of a two-year introductory regulation. This reduces the regular fee calculated according to clause 1.1 by 50 % in the first year of membership (year of admission) and by 25 % in the following year. The full fee must be paid starting the second calendar year after the year of admission. However, at least the minimum fee in accordance with clause 1.2 must be paid during the first two years of membership.

Every company may use the introductory regulation only once.

1.4. Group memberships

For members who utilise the group membership in accordance with § 3 clause 4 of the articles of association, the following special rules apply for the fee assessment.

A total fee is collected from all Bitkom members who belong to the company under the terms of the Articles of Association. The total fee is collected from the member who is the head of the group within the company under the terms of the Articles of Association, as long as no other arrangements have been made in individual cases. In the case of several members of equal rank, the total fee is collected from the member who has belonged to Bitkom longer.

The basis for assessment for the total fee is calculated using the sum of sales or ICT sales, or from the sum of employees or ICT employees, of all members who belong to the company under the terms of the Articles of Association. Dividends that a group member has collected from another group member do not need to

be taken into consideration when determining the sales.

The sales-related assessment basis is to be reduced by internal sales between the Bitkom members, who are part of the Group.

Bitkom members who fall under the regulation in clause 1.4 can apply for the introductory regulation in accordance with clause 1.3 during the year of admission. However, this requires that all companies connected to the Bitkom member company under the terms of § 3 clause 4 of the Articles of Association are new members in accordance with clause 1.3.

1.5 Fee regulation for ICT companies in groups in other industries

If a company provides ICT services within a group of companies and the parent company is active outside of the ICT field, the IT company can take advantage of a reduced fee regulation if external sales with remote third parties do not exceed 50 % of the total sales.

If the portion of external sales is no more than 20 %, Bitkom charges 20 % of the regular fee based on the total sales of the company.

If the portion of external sales is between 20 % and 50 %, the portion of the regular fee increases to the same extent, i. e. Bitkom charges 21 % of the regular fee for 21 % external sales, etc., based on the total sales of the company in each case.

The minimum fee is EUR 2,000.

If external sales are more than 50 %, the regular fee applies.

The amount of external sales must be audited by an accountant or certified auditor or shown to be credible via other suitable means.

1.6 Fee for members in accordance with § 3 clause 1 sentence 2 of the Articles of Association

Companies whose areas of activity are attributable to appendix 2 pay 10 % of the regular fee calculated in accordance with clause 1.1. At the same time the value for the last level of the contribution scale is reduced to 0.0005 %. Notwithstanding clause 1.1, only the revenue-related assessment basis is used for the fee.

For credit and financial institutions and other companies in the meaning of § 17 Section 2 No. 1 of the German Capital Investment Code Gross premiums written (Kapitalanlagegesetzbuch), the sales revenues are substituted by the total amount of the income referred to in § 34 Section 2 Sentence 1 No. 1 items a to e of the Financial Institutions Accounting Regulation (Kreditinstituts-Rechnungslegungsverordnung) less the VAT and other taxes directly levied on that in-come.

In the case of insurance companies within the meaning of § 341 Section 1 Sentence 1 HGB (German Commercial Code), the subitem "Gross premiums written" pursuant to § 36 of the Insurance Companies Accounting Regulation (Versicherungsunternehmens-Rechnungslegungsverordnung) replaces sales revenue.

The minimum fee is EUR 2,000.

Bitkom members which are subject to the provisions of clause 1.6 cannot take advantage of the provisions of clause 1.3. Clause 1.4 is only applicable for affiliated companies which exclusively engage in activities listed in appendix 2.

1.7 Transitional regulation for members who became members before 31/12/2010

For members whose fee in 2011 was at least EUR 1,000 more than the sum of the fee paid in 2010 due to the expanded area of activity in accordance with appendix

1, the following transitional regulation applies as of 01/01/2011:

From 2011 to 2015, the fee is calculated based on the definition of the field of activity (long-term guarantee) effective 31/12/2010. 20 % of the difference in accordance with the old and new field of activity is due in 2016, 40 % in 2017, 60 % in 2018, and 80 % in 2019. The regular fee applies as of 2020.

1.8 Transitional provision for companies which became full members before 31 December 2014 and from 2015 will be assigned with their activities to appendix 2

For companies which became full members before 31 December 2014 and from 2015 will be assigned with their activities to appendix 2, from 1 January 2015 the following transitional provisions shall apply:

- In the years 2015 to 2019, the fee shall continue to be measured on the basis of the currently applicable appendix 1 of this Membership Fee Regulations (long-term guarantee), provided that it is at least EUR 1,000 lower than the fee amount in accordance with appendix 2. In 2020 an additional 20 % of the difference resulting from the calculation according to appendix 1 and the calculation according to clause 1.6 shall be payable, and in 2021 40 %, in 2022 60 % and in 2023 80 % thereof shall be payable. From 2024 the regular fee according to appendix 2 shall apply.
- For members whose fee based on appendix 2 is more than 25 % and at least EUR 1,000 below the amount of the fees paid in 2014, the following transitional provision shall apply: they shall pay the fees for 2014 less 25 % of the difference in 2015, 50 % of the difference in 2016 and 75 % of the difference in 2017. In the next year the regular fee according to appendix 2 shall apply.

1.9 Nationwide member associations

Nationwide member associations pay an annual fee of 0.1 % of their entire fee income, but at least EUR 10,000.

This provision has priority over the regulation according to clause 1.2 (minimum fee).

1.10 Non-profit research institutions

The following regulation applies to non-profit research institutions that are organised via legally dependent institutes:

The institutes that are relevant for Bitkom membership must be named for the collection of a total fee. If the assessment basis of all named institutes exceeds EUR 200,000,000, the annual membership fee is EUR 50,000.

2. Associated members

2.1 Associated member company

The regulations of clause 1 apply analogously for the assessment of fees for associated member companies and organisations under the terms of § 3 clause 5 of the Articles of Association (associated member company). However, limiting the basis for assessment to ICT sales or ICT employees is not possible. The net sales for associated companies are exclusively determined according to § 277 Section 1 of HGB (German Commercial Code). The number of employees is calculated pursuant to § 285 No. 7 of HGB (German Commercial Code).

Associated members pay 50 % of the fee resulting from clause 1; but at least EUR 2,000.

2.2 Fees for public institutions, organisations and educational institutions

Legal entities under public law, including their subdivisions, which are not profit-oriented, pay an annual fee of EUR 2,000.

For educational institutions under private law, the annual fee also amounts to EUR 2,000, provided that there is no intention to make a profit.

2.3 Regional associations

Regional associations in the meaning of § 3 clause 5 of the Articles of Association pay an annual fee in the amount of 0.05 % of their total contribution revenues, and at least EUR 3,000.

2.4 Independent contractors

Independent contractors under the terms of § 3 clause 5 of the Articles of Association pay a membership fee of EUR 2,000.

2.5 Fees for Get-Started membership

Get-Started members in the meaning of Section 3.6 of the Articles of Association pay a membership fee in the amount of EUR 100 per annum. If the Get-Started membership is converted into full membership, the fee amounts to:

- in the first year after the Get-Started membership – 25 % of the full membership fee – minimum EUR 500;
- in the second year – 50 % of the full membership fee – minimum EUR 1,000;
- in the third year – 75 % of the full membership fee – minimum EUR 1,500.

In the fourth year the full fee shall be payable. From the fourth year the minimum membership fee amounts to EUR 2,000.

3. Exceptions to the regulations in clauses 1 and 2.

In special circumstances, the executive board is authorised to allow exceptions to the regulations in clauses 1 and 2. It can delegate this right.

4. Adjustment of the membership fees

The fee scale and the multiplier for calculating the employee-related basis for assessment are matched to the development of the consumer price index established by the Federal Statistical Office for the entire Federal Republic of Germany (2005 = 100) each year on 1 January. The matching is completed according to the index published by the Federal Statistical Office at the beginning of the respective contribution year (change from the previous year).

Example: Adjustment as of 1 January 2020 in accordance with the index change 2019 published by the Federal Statistical Office in 2020.

The matching to the annual price index change is not applicable for minimum fees in accordance with clauses 1.2, 1.6, 1.9, and 2 and not for the basic value of the minimum fee (EUR 2,000,000) according to the contribution scale.

II. BDI (Federation of German Industries) fee

Furthermore, full members, with the exception of personal members, founding members and honorary members, are obligated to contribute to the financing of the BDI membership. For this, they pay Bitkom a fee currently set at EUR 11 per EUR 500,000 in sales. The net sales are determined for members according to § 277 Section 1 of HGB (German Commercial Code) by including the exports. If the member only generates a part of its revenues from products and services in the area of activity of Bitkom in accordance with Appendix 1 (ICT revenues), the assessment basis shall be based on the ICT revenues generated in accordance with the

provisions of clause I.1.1. If no sales revenues under § 277 Section 1 HGB are reported, the employee-related basis for assessment in accordance with clause 1.1 will be used. Trade and leasing revenues generated with third party products remain excluded in each case.

Members that do not generate any revenues in accordance with § 277 Section 1 HGB or whose fees arise in accordance with clause I.3 will be charged a BDI fee in the amount of 10% of the Bitkom fee that the member in question pays in the contribution year. Members who pay a higher Bitkom fee than that provided for in clause I.1 will pay a BDI fee currently in the amount of EUR 11 per EUR 500,000 of revenues.

For companies that take advantage of the regulations according to clause I.1.5, only external sales with remote third parties are considered in the calculation of BDI (Federation of German Industries) fees.

No BDI fee will be collected from members in the meaning of § 3 clause 1 sentence 2 of the Articles of Association.

The same applies for members in accordance with clauses I. 1.9 and I.1.10 of these Fee Regulations.

The amount of the BDI fee to be paid is essentially determined using the ratio of reported sales of Bitkom members to the sum of sales of all BDI members.

To prevent a credit or debit balance of BDI fees, the management board can decide on a corresponding deduction or addition of the basis for assessment (EUR 11 per EUR 500,000 in sales).

III. Collection of fees

1. Collection period

The Bitkom fee and financing fee for BDI membership is collected once per year. The net sales and number of employees, which were generated in the fiscal year that

ended the previous calendar year, are decisive for the calendar year for which fees are to be collected.

Members who join Bitkom in during a calendar year pay pro rata Bitkom and BDI fees. If the member joins before the 15th day of a month, the full monthly fee shall be charged. After the 15th day of a month only half of the monthly fee will be payable. Members who resign from Bitkom during a calendar year remain fully liable for fees for this calendar year.

2. Calculation sheet

Bitkom sends a calculation sheet for the member fee and financing fee for BDI at the start of each calendar year. The sheets must be correctly filled in by the members and sent back to the Bitkom branch office by 31 March. The number of employees must be reported on the forms in addition to the sales information.

If a member does not send the filled in calculation sheets by the deadline, Bitkom is authorised to estimate the basis for assessment and charge the fee based on the estimated basis. The estimation of the basis for assessment is binding, provided the respective member does not send in the filled in calculation sheet by 31 March of the calendar year following the contribution year.

3. Payment deadline

The payment deadline for Bitkom and BDI fees is 14 days.

Appendix 1

1st level	2nd level	3rd level (as example)	
Hardware	Computer Hardware	Server systems	
		PCs, tablets	
		Thin clients	
		Notebooks	
		Handhelds	
		Wearables	
		Displays	
		Multimedia terminals	
		PC accessories	
		Telecommunications hardware	Telecommunications terminal equipment
			Fax machines
			Mobile devices
			Mobile network equipment
	Switching systems		
	Transmission technology / broadband technologies		
	Consumer electronics hardware	Flatscreen TV	
		DVD/Blu-ray Disc players and recorders	
		Digital camcorders / digital cameras	
		Set-top boxes	
		Portable audio and home audio	
		Game consoles	

Membership Fee Regulations

1st level	2nd level	3rd level (as example)
Hardware	Consumer electronics hardware	Navigation
		Storage media
	Peripheral equipment	Copy machines
		Printers
		Scanners
		Multi-function devices
		Video projectors
	Infrastructure hardware	LAN hardware
		WLAN hardware
		WAN hardware
		SAN hardware / storage systems
		PBX and key systems
		Security hardware
		RZ equipment
	ICT consumables	Printer cartridges
		Copier cartridges
	Wholesale and retail	Wholesale of ICT devices and software (including e-commerce)
		Retail of ICT devices and software(including e-commerce)

Membership Fee Regulations

1st level	2nd level	3rd level (as example)
Software	System infrastructure software	Operating systems
		Systems management software
		Security software
		Virtualisation software
		Database management systems
		Integration software (ETL, ESB, etc.)
		Web server
		Business platforms / server
	Development software	SDKs, APIs, frameworks
		IDEs, prototyping, mock-up, wireframing tools
		Testing, usability, user experience
		QS, RE and RM tools
	Application software	Individual developments
		Standard business management software (ERP, CRM, BI, etc.)
		Information management (portals, ECM, CMS etc.)
		Mobile devices software
		Collaborative software, groupware
	Embedded systems	Remote software
		Analysis software
		Highly critical systems
Real-time operating systems		
Simulation software		

Membership Fee Regulations

1st level	2nd level	3rd level (as example)	
IT services	IT consulting	IT strategy, process optimisation	
		IT architecture consulting	
		IT engineering consulting	
		Training / coaching	
		Computing centre planning	
		IT quality management	
	Implementation and system integration		Configuration, integration, installation
			Software development
			IT quality assurance
	Operations management		Outsourcing
			Housing services
			Hosting services
Support services		Maintenance	
		Phone support	
		ITIL services	
Telecommunications services	Language services	Mobile phones	
		VoiP	
		Private mobile radio / trunked radio	
		Resale	
		Landline	
	Data services		Landline
			Private mobile radio / trunked radio

Membership Fee Regulations

1st level	2nd level	3rd level (as example)
Telecommunications services	Data services	Messaging
		Multimedia services
		Resale
		Mobile phones
		Email provider
		SMS services
		Hosted TK-Services
	Mains operation	Grid-bound voice networks
		Grid-bound data networks
		Mobile voice networks
		Mobile data networks
		TV cable networks
		Satellite services
		Terrestrial radio network operation
	Value-added services	Rental lines
		Information services
	Call centre	MABEZ
		Outbound
		Inbound

Membership Fee Regulations

1st level	2nd level	3rd level (as example)
New media and Internet commerce	Content	Video (download, Video on Demand, streaming)
		Music (download, streaming)
		Games
		E-books
		Other content
	E-commerce solutions	Shops and shop systems
	Services	Consulting and design
		Web editing
		Programming and system integration
		Web and graphic design
		Other services
	Mobile and Web services	Navigation, geo services and location-based services
		Search engines
		Social networks, Social Software and Community Solutions
		User-generated content
Other services		
Media & broadcast	Digital TV	
	Web TV and mobile TV	
	IPTV	
	Internet radio	

Appendix 2

1st level	2nd level (example)
Energy supply	Smart electricity grids
	Smart grids, smart meters
Manufacturing industry	Industry 4.0
	IT-dominated medical, measuring and control equipment
Financial and insurance services	Investment portals, stock exchanges
	Digital payment solutions and loyalty programmes
	Online insurance portals, InsurTech
Healthcare	Smart health networks, telemedicine
	Online pharmacies, doctor rating platforms
Retail	Multi-channel commerce (excluding ICT)
Real estate industry and property technology	Intelligent Building and security technology
	Real estate portals
Agriculture	Precision farming, smart breeding
	Digital agricultural and milking machines
Aviation and aerospace	Digital airport
	Digital customer journey solutions
	Drones
Tourism	Online travel portals, rating portals
Traffic and logistics	Smart transport networks
	IT logistics and online tracking