

Membership Fee Regulations Bitkom e.V.

As amended on 1 July 2021

The original Membership Fee Regulations are in German. This translation is supplied without liability.

I Bitkom membership fee

Bitkom shall levy fees from its full members (hereinafter No. 1) and from its associated members (hereinafter No. 2) in accordance with these membership fee regulations from the contribution year 2022 onwards. The aforementioned members are obliged to pay fees to Bitkom in accordance with § 6 of the Articles of Association. Personal members, founding members and honorary members are not subject to the obligation to pay fees.

1 Full members

Relevant areas of activity for full membership

The areas of activity of companies that provide essential services directly as their own sales with digital technologies are defined in Annex 1 (in accordance with § 3 clause 1 sentence 1 of the Articles of Association) and of companies in those sectors whose products or services are substantially supported by digital technologies without actually generating genuine revenue from digital technologies, is set out in Annex 2 (pursuant to § 3 clause 1 sentence 2 of the Articles of Association) to these Fee Regulations. A new definition in the annexes 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 annexes, only the regulation for the area of activity according to annex 1 shall be decisive for the calculation of the fee if the company's own direct turnover with digital technologies exceeds 5% - measured against the total turnover; otherwise Annex 2 shall apply for the calculation of the fee.

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

Assessment bases

The amount of the regular fee shall be determined 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 business facilities within the meaning of § 12 of the German Fiscal Code (Abgabenordnung), the sales revenues and the number of employees attributable to the respective business 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 export sales.

If the member only generates a part of its sales with digital technologies according to Annex 1, the assessment basis shall, at the member's request, be based on correspondingly generated sales, if these are certified by an auditor or a sworn auditor or are made credible in another suitable manner.

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

Assessment basis related to employees

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 Annex 1, the assessment basis shall, at the member's request, be based on the number of these employees, if this is certified by an auditor or a sworn auditor or is made credible in another suitable manner.

The assessment base related to employees is calculated by multiplying the number of relevant employees by a factor. The factor shall be EUR 346.000 (status: 2022). 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 2022 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.

Basic values of the contribution assessment basis (as of: 2022) in Euro Fee in % of the assessment basis

Shares until 2.000.000	Minimum fee
Shares above until 4.500.000	0,05 %
Shares above until 11.500.000	0,04 %
Shares above until 46.000.000	0,03 %
Shares above until 287.500.000	0,02 %
Shares above until 575.000.000	0,01 %
Shares above until 1.150.000.000	0,005 %
Shares above	0,001 %

1.2 Minimum fee

The minimum fee is EUR 2,000.

1.3 New members

Basic principle

New members may, if they wish, make use of a two-year introductory arrangement. In this case, the regular fee calculated according to clause 1.1 is reduced 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 shall be paid during the first two years of membership.

Each company may use the introductory regulation only once.

1.4 Group memberships

For members who make use of the group membership in accordance with § 3 clause 4 of 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 group 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 assessment basis for the total fee is calculated using the sum of sales or sales with digital technologies or from the sum of the employees or employees in the area of activity according to Annex 1 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 basis of assessment is to be reduced by internal sales between the Bitkom members, who are part of the Group.

Bitkom members who fall under the regulation of 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 affiliated with the Bitkom member company within the meaning of § 3 clause 4 of the Articles of Association are new members according to clause 1.3.

1.5 Fee regulation for digital economy companies in groups in other industries

If a company provides services according to Annex 1

within a group of companies and the parent company of the group is active outside the digital economy, the company concerned may claim a reduced fee regulation if the external sales with third parties do not exceed 50 % of the total sales.

- If the share 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 share of external sales is between 20 % and 50 %, the share 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.

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

The minimum fee is EUR 2,000.

The amount of external sales must be audited by an auditor or a sworn auditor or is made credible in another suitable manner.

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.

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 Annex 2.

1.7 Transitional provision for companies which became full members before 31 December 2014 and from 2015 will be assigned with their activities to Annex 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 provision shall apply:

In the years 2015 to 2019, the fee shall continue to be measured on the basis of the currently applicable Annex 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 Annex 2. In 2020 an additional 20 % of the difference resulting from the calculation according to Annex 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 Annex 2 shall apply.

1.8 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).

1.9 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 assessment basis to sales with digital technologies or to employees in the field of activity according to Annex 1 shall not be considered. 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:

- EUR 500 in the first year after Get-Started membership;

- EUR 1,000 in the second year;
- EUR 1,500 in the third year

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 ("VPI") 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 2023 according to the 2022 index change published by the Federal Statistical Office in 2023.

The matching to the annual price index change is not applicable for minimum fees in accordance with clauses 1.2, 1.5, 1.6, 1.8, 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 Annex 1, the basis of assessment shall be based on the sales 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 (hereinafter: "contribution year").

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 contribution year

2 Determination of the assessment bases

In order to determine the relevant assessment bases according to these fee regulations, Bitkom shall conduct a survey of its members at the beginning of each contribution year. Members shall provide the requested information truthfully to the Bitkom branch office by 31 March of the current contribution year at the latest.

If a member does not provide the information required for the calculation of the Bitkom fee and the financing contribution to the BDI in due time, Bitkom is entitled to estimate the assessment bases and charge the fee based on the estimated basis. The estimate of the assessment bases shall be binding unless the member concerned provides the relevant information for the calculation 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.

Annex 1

1 st level	2 nd level	3 rd 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 & recorders
		Digital camcorders / Digital cameras
		Set-top-boxes
		Portable audio and home audio
		Game consoles

1 st level	2 nd level	3 rd 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
		SAN hardware/storage systems
		PBX and key systems
		Security hardware
		RZ equipment
		Data cable
	ICT consumables	Printer cartridges
		Copier cartridges
	Wholesale and retail	Wholesale of ICT devices and software (including e-commerce)

1 st level	2 nd level	3 rd 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

1 st level	2 nd level	3 rd 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

1 st level	2 nd level	3 rd level (as example)
Telecommunications services	Data services	Private mobile radio / trunked radio
		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
		Rental lines
	Value-added services	Information services
		MABEZ
	Call centre	Outbound
		Inbound

1 st level	2 nd level	3 rd 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

Annex 2

Companies and organisations in the following sectors: Energy supply, manufacturing industry, financial and insurance services, healthcare and pharmaceuticals, retail, real estate and property technology, agriculture and food industry, aviation and aerospace, tourism, transport and logistics.