

Membership Fee Regulations

for the Bundesarbeitgeberverband der Personaldienstleister e. V.
(BAP - Federal Employers' Association of Staffing Services)

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§ 1 ORDINARY MEMBERS

1a) Basic contribution

Every ordinary member as defined by § 4 of the Articles of Association shall be due to pay a basic contribution in the amount of EUR 1,200 per calendar year. This shall be due on 1 January of the year of contribution and must be transferred by 10 January.

1b) Revenue-based contribution

In addition to the basic contribution, every ordinary member shall be due to pay a contribution per calendar year correspondent to the previous year's revenue of its company group (company as defined by § 5 paragraph 5 of the Articles of Association*) with services. A previous year's revenue of up to EUR 2 million shall already be covered by the basic contribution pursuant to section 1a). The contribution for a previous year's revenue of EUR 2 million up to EUR 60 million shall amount to 0.53‰ of the previous year's revenue. For a previous year's revenue in excess of this amount, the member shall in addition be due to pay a contribution of 0.1‰ of the previous year's revenue. The maximum contribution threshold including the basic amount pursuant to section 1a) shall remain at EUR 200,000.

When calculating the contribution, the revenue from the following services must be taken into account: temporary employee assignment, private staff recruitment, human resources consulting, outsourcing, outplacement and other staffing services which compete with one another, most notably services performed within the framework of works contracts.

The revenue-based contribution shall fall due upon issue of the invoice.

* § 5, paragraph 5 of the Articles of Association states that:

"A company group is understood to be:

- a) in the case of membership of a parent company, this and all affiliated companies which are in possession of 50 per cent or more of a member company;
- b) in the case of membership of an affiliated company, this and the parent company, insofar as the latter holds 50 per cent or more shares of the member;
- c) two (or more) members who operate personnel services, provided that they form 50 per cent or more of a partner or company at any one time."

1c) Value-added tax

The contributions shall increase by the statutory value-added tax at the respective applicable rate.

2. Company groups

Member companies of a company group as defined by § 5 paragraph 5 of the Articles of Association which have not combined to form a company group membership within the meaning of § 5 paragraph 1 of the Articles of Association shall pay an individual contribution. In this case, they shall upon written request receive a reduction of 25 per cent of the annual contribution payable in accordance with section 1a) and section 1b). The cumulative contribution of all members of this company group thus calculated may not be lower than it would be if the latter had combined to form a company group membership. Should this be the case, each company shall pay a share of the contribution that it would have had to pay in the event of a company group membership corresponding to its percentage share of the previous year's revenue of the company group. Should the cumulated individual contributions of the members of a company group as defined by § 5 paragraph 5 of the Articles of Association that have not combined to form a company group membership as defined by § 5 paragraph 1 of the Articles of Association exceed the maximum contribution threshold stated in section 1b), paragraph 1, sentence 5, each individual member shall in this case pay a share of the maximum contribution corresponding to its percentage share in the company group's revenue for the previous year.

3. Notification of revenue

Every ordinary member must disclose the relevant company revenue pursuant to section 1b) to the managing board of the Association in writing by 30 April of each year after the adoption of the annual financial accounts, with the attestation of a tax consultant or certified accountant. Members of a company group who have in accordance with § 5 paragraph 1 of the Articles of Association combined to form a company group membership shall report the previous year's revenue for individual company group members.

Should the report not be made on time or in full, the member shall initially pay double the previous year's contribution.

In the absence of a previous year's contribution, the member shall be due to pay at least three times the basic contribution amount. The managing board of the Association may set

the additional contribution higher if the assumption is justified that the revenues of the company concerned warrant an increased contribution.

If there are doubts about the figure specified, the managing board of the Association shall be entitled to have the revenue determinant for the calculation verified by a certified accountant.

Members of the Association and holders of positions within the Association shall be obligated to treat in the strictest confidence any confidential information and business secrets arising from the revenue reports which they acquire knowledge of in the execution of their operations or which are designated by the members as confidential, and make all necessary provisions to ensure that unauthorised persons do not acquire any knowledge of this information.

4. New members

In the event of a member joining during the calendar year, a twelfth of the basic contribution according to paragraph 1a) and the revenue-related contribution according to paragraph 1b) must be paid per month or part thereof. The relevant company turnover according to paragraph 3 in conjunction with paragraph 1b) must be disclosed to the managing board of the association immediately following entry into the association.

If a member joins during the calendar year, it shall pay a twelfth of the basic contribution pursuant to section 1a) and of the revenue-based contribution pursuant to section 1b) for each commenced month of the membership. The relevant company revenue pursuant to section 3 in conjunction with section 1b) must be disclosed to the managing board of the Association immediately following admission into the Association.

The entire pro rata basic contribution shall fall due upon admission into the Association. The due date for the revenue-based contribution shall comply with section 1b) paragraph 3.

5. Start-up businesses

Start-up businesses shall pay 50 per cent of the basic contribution pursuant to section 1a) in the first year of their membership. The revenue-based contribution shall be governed by section 1b).

The starting up of a new business is understood to be the commencement of an independent activity through the creation of a company.

6. Collection

For contributions which have not been paid after the expiry of the payment period, a reminder shall be sent specifying a new payment deadline. In this reminder, the party liable for the contribution shall be advised that recovery proceedings may be initiated for the amounts owed in the event of non-payment within the reminder period. In the case of a reminder being issued, a flat-rate compensation for expenses may be charged to cover the costs thereby incurred. Should the contribution or a part of a contribution not be paid in due time, the outstanding contribution shall accrue interest at a rate of eight percentage points above the base rate in accordance with § 247 of the BGB (German Civil Code) with effect from the due date. In the event that the contribution has not been paid despite two reminders, the managing board may suspend further membership, regardless of ongoing liability to pay contributions. This shall be without prejudice to the right to exclusion pursuant to § 11 paragraph 3 of the Articles of Association.

7. Abatement, payment by instalments and deferment

Irrecoverable outstanding amounts may be abated by the managing board of the Association. In justified individual cases, payment by instalments or deferments may be granted.

§ 2 SUPPORTING MEMBERS

The contribution for supporting members pursuant to § 7 of the Articles of Association shall be defined respectively in the admissions process between the supporting member and the executive committee.

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