

Federal Ministry of the Interior**General administrative regulation to promote activities by the
federal government through contributions from the private sector
(sponsoring, donations and other gifts)****of 7 July 2003**

The following general administrative regulation is enacted pursuant to Article 86, sentence 1 of the Basic Law:

1 Scope, definitions

This administrative regulation applies to the donation of cash and non-cash contributions and services by parties from the private sector (sponsors) to one or more bodies of the federal government (beneficiaries), via which the sponsor promotes an activity pursued by the federal government with the aim of attaining an advantage in the form of a promotional or publicity-enhancing effect (sponsoring). Activities for the purposes of this administrative regulation are such which the government body concerned performs in discharging its public duties and in presenting itself to the outside world. Bodies of the federal government are the highest federal authorities, the authorities of the direct and indirect federal administration and the courts of the federal government. This regulation also applies to the armed forces.

Consequently, if the party from the private sector and the government body agree on appropriate cost sharing in pursuit of similar objectives, this shall not constitute sponsoring.

The following provisions shall apply correspondingly to gifts by parties from the private sector (in particular donations and other contributions) to the federal administration.

2 Purpose of the administrative regulation

In suitable instances, sponsoring helps to achieve administrative objectives. It is nevertheless incumbent upon the public administration to avoid any appearance of external influence coming to bear, in order to uphold the integrity and neutrality of the state. Consequently, the public administration may only open itself up to sponsoring in accordance with the following circumscribing provisions.

3 Basic principles

The following basic principles are to be observed in reaching decisions on the use of sponsoring:

3.1 As a general principle, public duties are to be financed via budgetary funds. Sponsoring is thus only possible as a supplementary measure subject to the conditions stated in points 3.2 to 3.4.

3.2 As a general principle, decisions on the solicitation and acceptance of sponsoring are to be taken according to a restrictive approach.

3.2.1 Sponsoring is strictly prohibited in the area of interventional administration (e.g. in the form of direct or indirect support in the area of the sovereign duties performed by the federal government's police, financial authorities and customs, by way of non-cash contributions, for example). Outside of the area of interventional administration (e.g. the financing of public relations measures by the police, provided that this does not result in any influence being exerted in the area of interventional administration), sponsoring may be approved by way of exception.

3.2.2 Outside of the area of interventional administration sponsoring is permissible, e.g. in the areas of culture, sport, health, environmental protection, education and science, the promotion of foreign trade, political public relations in Germany and abroad and at representative events staged by the federal government, provided that

there is no possibility of influence being brought to bear on the administration in discharging its duties and that no impression of any such influence arises.

3.3 The acceptance of offered or solicited sponsoring shall require the written consent of the highest administrative authority. The latter may delegate its powers in this respect. Should the government body to which the power of consent is delegated be the intended beneficiary of the sponsoring, the consent of the next-highest government body must be obtained beforehand, if the benefiting body is not authorised to make the final decision. A post responsible for sponsorship issues (sponsorship officer) is to be established within each of the highest federal authorities; this post is to be involved in matters relating to sponsorship and is to cooperate closely with the contact for the prevention of corruption. When it is planned to solicit sponsoring, the decision of the head of the government body concerned is to be obtained prior to approaching potential sponsors. The head of the body concerned involves the sponsorship officer in cases to be decided by the highest federal authority. The head may delegate the decision-making authority within the highest federal authorities pursuant to sentence 5.

3.4 Insofar as sponsoring is permissible in isolated instances in these areas, approval shall be dependent on the following criteria:

a) Sponsoring is to be disclosed to the public. The scope and form of sponsoring and the sponsors are to be made transparent for every sponsoring measure, in order to avoid any impression of partiality on the part of the public administration.

Measures to ensure transparency include

- booking the cash payments from sponsoring under the appropriate revenue items for ex-post control purposes,
- disclosure of the cash and non-cash contributions and services received from sponsoring in a bi-annual report from the Federal Ministry of the Interior.

Individual sponsoring payments up to the equivalent of € 5000 may be summarised as collective items in this report.

b) Each individual case is to be decided on the basis of verifiable criteria. Equality of competition and opportunity must be ensured among potential sponsors. The decision in favour of a sponsor must be objective and unbiased and must be

based on pertinent and comprehensible considerations. The sponsors' individual reliability, financial capacity, business practices and principles and customer and media profiles represent possible criteria for the decision.

- c) All sponsorship agreements are to be placed on record. It is to be specified in writing what activity is sponsored, what specific contributions the sponsor makes and what obligations the government body assumes.

The sole obligation which is permissible on the part of the government body is an undertaking to present the sponsor, in particular to specify the sponsor's name, company and brand and to present the sponsor's logo and other signs in connection with the event concerned. Agreements establishing direct links between sponsorship contributions and services to be rendered in return for such contributions are not permissible.

- d) When offers of sponsorship are accepted, the contents of the appurtenant agreements must not establish any further obligations or arouse any further expectations.
- e) The government body must not publicly extol the sponsor and the sponsor's products beyond the obligation specified in letter c). Activities relating to the promotion of foreign trade are exempted from this restriction.
- f) When contractors to the government body are considered as sponsors, it is to be ensured that competitors are included in the process with equal opportunities in accordance with letter b). The acceptance of a sponsorship contribution must not give rise to any ties which might restrict or preclude public competition.
- g) Prior to accepting sponsoring, it is to be ensured that budgetary funds for ensuing subsequent expenditure (e.g. vehicle maintenance costs, television charges, operating costs or similar) are available for the intended purpose.
- h) Examples of activities eligible for sponsorship are stated in the enclosure to this administrative regulation.

4 Final provisions

The highest federal authorities may draw up supplementary provisions, in particular further restrictions relating to sponsoring. Existing restrictions shall remain unaffected.

5 Effective date

This general administrative regulation comes into force on the date of its publication in the federal gazette. It supplements item 18 of the federal government directive to prevent corruption in the federal administration of 17 June 1998 (federal gazette p. 9665).

Berlin, 7 July 2003

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The Federal Chancellor

Gerhard S c h r ö d e r

The Federal Minister of the Interior

S c h i l y

Examples of activities eligible for sponsorship

- Public relations events
- Public relations abroad at events which are also organised by the diplomatic missions abroad
- Events and fairs to promote Germany's export sector and individual industries in Germany and abroad
- Events to publicise and promote Germany as a business location in Germany and abroad
- Events in connection with sports, cultural and educational policy in Germany and abroad
- Events and measures to promote general environmental awareness
- The promotion of health and the prevention of illness
- Other representative events
- Representative events to present the Federal Republic of Germany to other countries
- Press relations at key events in Germany and abroad
- Press relations and looking after delegations in connection with major events in Germany and abroad
- Supporting representation of the federal German armed forces in Germany and abroad

- Donations to libraries and media libraries in supplementation of the official resources
- Assumption of all or a portion of the production costs for demonstration materials and specialised information in the form of various media (e.g. printing of conference proceedings and information brochures, production of CDs, etc.)
- Complete or partial financing of an item of equipment by a support group