

Übersetzung durch Ute Reusch.

Translation provided by Ute Reusch.

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Act on Out-of-Court Legal Services (Rechtsdienstleistungsgesetz, RDG)

Legal Services Act of 12 December 2007 (Federal Law Gazette I p. 2840), as last amended by Article 6 of the Act of 12 May 2017 (Federal Law Gazette I p. 1121)

The Act was adopted by the German Bundestag as Article 1 of the Act of 12 December 2007 (Federal Law Gazette I p. 2840). Pursuant to the third sentence of Article 20 it enters into force on 1 July 2008. Section 10 (1), second sentence, section 12 (5), section 13 (4), section 16 (3), third sentence, section 17 (2), section 18 (3) and section 19 enter into force on 18 December 2007.

Part 1

General provisions

Section 1

Scope of the Act

(1) This Act regulates the authorisation to provide out-of-court legal services in the Federal Republic of Germany. It serves to protect the consumers of legal services, legal relations and the legal system from unqualified legal services.

(2) Where a legal service is provided exclusively from another state, this Act only applies where its subject matter is German law.

(3) Regulations in other laws relating to the authorisation to provide legal services remain unaffected.

Section 2

Definition of a legal service

(1) A legal service is any activity related to the concrete affairs of others as soon as it requires a legal assessment of the individual case.

(2) Regardless of whether the conditions of subsection (1) are met, the collection of third-party claims or claims assigned for the purpose of collection for account of a third party is a legal service if the debt collection is conducted as a stand-alone business (collection service). Assigned claims are not regarded as third-party claims of the previous obligee.

(3) The following do not constitute a legal service:

1. the rendering of scientific opinions,
2. the activities of conciliation and arbitration boards and of arbitrators,
3. the discussion of legal issues affecting employees with those elected to represent their interests in so far as this is related to the tasks of those representatives,

4. mediation and any comparable form of alternative dispute resolution, unless the activity involves proposing legal arrangements which encroach upon the discussions between those concerned,
5. the presentation and discussion of legal issues and legal cases in the media which are intended for the general public,
6. the handling of legal affairs within affiliated enterprises (section 15 of the Stock Corporation Act).

Section 3

Authorisation to provide out-of-court legal services

The independent provision of out-of-court legal services is permissible only to the extent provided for under this Act or by or pursuant to other laws.

Section 4

Incompatibility with another obligation to perform

Legal services which might have a direct influence on the fulfilment of another obligation to perform may not be provided if this jeopardises the due provision of the legal service.

Section 5

Legal services provided in connection with another activity

- (1) Legal services may be provided in connection with another activity if they represent a service which is ancillary to a profession or activity. Whether a service is ancillary is to be assessed on the basis of its content, scope and material connection to the main activity having regard to the legal knowledge required to perform the main activity.
- (2) Legal services are regarded as permissible ancillary services if they are provided in connection with one of the following activities:

1. the execution of a will,
2. property and housing management,
3. funding consultancy.

Part 2

Legal services provided by non-registered persons

Section 6

Free legal services

- (1) The provision of legal services which are not related to any paid activity is permissible (free legal services).
- (2) Anyone who provides free legal services outside of family, neighbourly or similarly close personal relationships must ensure that the legal service is provided by a person who is permitted to provide legal services against payment, by a person who is qualified to hold judicial office or under the instruction of such a person. Instruction requires induction and training which is oriented to the scope and content of the legal services to be provided as well as involvement in the provision of the legal service in so far as this is necessary in the individual case.

Section 7

Professional associations, interest groupings, cooperatives

- (1) Legal services may be provided by
 1. professional or other associations established to safeguard common interests and alliances of such associations,
 2. cooperatives, cooperative auditing associations and their central organisations, as well as cooperative trusts and similar cooperative organisations

within the context of their statutory field of activity to their members or the members of associations or facilities affiliated to them in so far as they are not of overriding importance compared to their other statutory tasks. The legal services may be provided by a legal person in the sole beneficial ownership of the associations or alliances referred to in the first sentence.

(2) Whoever provides legal services in accordance with subsection (1) must have the personal, material and financial resources required to properly provide these legal services and must ensure that the legal service is provided by a person who is permitted to provide that legal service against payment, by a person who is qualified to hold judicial office or under the instruction of such a person. Section 6 (2), second sentence, applies *mutatis mutandis*.

Section 8 Public and officially recognised bodies

(1) Legal services may be provided by

1. court-appointed or officially appointed persons,
2. authorities and legal persons under public law, including enterprises and associations established to fulfil their public tasks,
3. persons recognised as suitable under *Land* law or agencies within the meaning of section 305 (1) no. 1 of the Insolvency Statute,
4. consumer associations and other publicly funded consumer organisations,
5. non-state welfare organisations within the meaning of section 5 of Book Twelve of the Social Code, recognised youth welfare organisations within the meaning of section 75 of Book Eight of the Social Code and recognised organisations promoting the interests of people with disabilities within the meaning of section 15 (3) of the Act on Equal Opportunities for People with Disabilities

within the context of their field of activity and area of responsibility.

(2) Section 7 (2) applies *mutatis mutandis* to those agencies referred to in subsection (1) no. 4 and no. 5.

Section 9 Ban on providing legal services

(1) The authority responsible for a person's place of residence or an association's seat may ban the persons and organisations referred to in section 6, section 7 (1) and section 8 (1) no. 4 and no. 5 from continuing to provide legal services for a maximum of five years where well-founded facts justify the assumption that unqualified legal services are being provided on a permanent basis to the detriment of the consumers of legal services or legal relations. This is, in particular, the case where there have been significant breaches of the obligations referred to in section 6 (2), section 7 (2) or section 8 (2).

(2) The final ban shall be registered with the competent authority and made public in the Legal Services Register in accordance with section 16.

(3) The authorisation to provide free legal services within family, neighbourly or similarly close personal relationships remains unaffected by the ban.

Part 3 Legal services provided by registered persons

Section 10 Legal services on the basis of special expertise

(1) Natural and legal persons and companies without legal personality registered with the competent authority (registered persons) may provide legal services in the following fields on the basis of special expertise:

1. collection services (section 2 (2), first sentence),
2. pension advisory services relating to the statutory pension and accident insurance scheme, social compensation law, other social insurance and disability law relating to a statutory pension scheme, as well as occupational and professional pension provision,
3. legal services under foreign law; if the foreign law is the law of a Member State of the European Union, of another state party to the Agreement on the European Economic Area or Switzerland, advisory services may also be provided in regard to the law of the European Union and of the European Economic Area.

Registration may be limited to a sub-field within one of the fields referred to in the first sentence if that sub-field can be kept distinct from the other activities falling within that field and no overriding reasons relating to the public interest preclude registration for that sub-field.

(2) Registration shall be made upon application. Where the registration in accordance with the second sentence of subsection (1) is to be made for a sub-field, that sub-field is to be designated in the application for registration.

(3) Where required to protect the consumers of legal services or legal relations, registration may be predicate on conditions or subject to the fulfilment of requirements. In the case of collection services, the requirement should be imposed that third-party monies must immediately be passed on to a person authorised to take receipt or paid into a separate account. Requirements may be imposed or amended at any time. Where registration is limited to a sub-field, the extent of the professional activity must be clearly indicated to the consumers of legal services.

Section 11

Special expertise, professional titles

(1) Those performing collection services must have special expertise in the fields of law which are important for the collection activity for which an application is being made, in particular in civil law, commercial, securities and company law, the law of civil procedure, including debt recovery and insolvency law, as well as cost law.

(2) Those providing pension consultancy must have special expertise in the law of statutory pension and accident insurance and in the other sub-fields referred to in section 10 (1), first sentence, no. 2 for which an application for registration is being made, knowledge of the structure, organisation and structural principles of social security, as well as knowledge of those legal principles which are applicable to all fields of social insurance, including administrative procedure under social security law and proceedings before the social courts.

(3) Those providing legal services relating to a foreign law must have special expertise in that foreign law or in the sub-fields of that foreign law for which an application for registration is being made.

(4) Professional titles which include the term “*Inkasso*” (collection) as well as the professional title “*Rentenberaterin*” or “*Rentenberater*” (pension consultant) or confusingly similar titles may only be used by persons registered accordingly.

(5) Persons who possess a professional qualification within the meaning of section 12 (3), fourth sentence, and are registered only for one sub-field pursuant to section 10 (1), second sentence, must pursue their professional activity using a German translation of the professional title used in their country of origin.

Section 11a

Disclosure and information requirements in regard to collection services

(1) When asserting a claim against a private individual, registered persons performing collection services must communicate the following information in a clear and comprehensible manner upon first asserting the claim:

1. the client's name or the name of the client's company,

2. the basis of the claim, if contracts have been concluded including a precise description of the subject matter of the contract and the date of conclusion of the contract,
3. if interest is being claimed, a calculation of the interest together with the claim on which interest is to be paid, the rate of interest and the period for which interest is being calculated,
4. if a rate of interest is being claimed over and above the statutory rate of default interest, special reference to that fact and information regarding the circumstances on the basis of which the higher rate of interest is being claimed,
5. if remuneration for collection or other costs for collection are being claimed, information regarding the type, amount and basis of that remuneration or those costs,
6. if value added tax amounts are being claimed together with the remuneration for collection, a declaration to the effect that the client cannot deduct these amounts as input tax.

Upon request, the following information is also to be provided to private individuals:

1. the address of the client to which service of documents is to be made, unless it has been demonstrated that this will affect the client's interests meriting protection,
2. the name or the name of the company of the person in whose name the claim arose,
3. where a contract has been concluded, the essential circumstances relating to the conclusion of the contract.

(2) A private individual within the meaning of subsection (1) is any natural person against whom a claim is being made which is not linked to his or her commercial or independent professional activity.

Section 12 Registration requirements

(1) The requirements for registration are as follows:

1. personal suitability and reliability; reliability is generally lacking
 - a) where that person has been issued with a final sentence for a serious criminal offence (*Verbrechen*) or for a less serious criminal offence (*Vergehen*) pertaining to the exercise of their profession in the course of the last three years before submitting the application,
 - b) where that person's finances are in disorder,
 - c) where, in the last three years before submitting the application, registration in accordance with section 14 or admission to the legal profession in accordance with section 14 (2) nos 1 to 3 and 7 to 9 of the Federal Lawyers' Act has been revoked, admission to the legal profession in accordance with section 14 (1) of the Federal Lawyers' Act has been withdrawn or has been prohibited in accordance with section 7 of the Federal Lawyers' Act, or disbarment has been effected,
2. theoretical and practical expertise in that field or in those sub-fields referred to in section 10 (1) in which the legal services are to be provided,
3. professional indemnity insurance with a minimum insurance cover of two hundred and fifty thousand euros for each insured event.

(2) A person's finances are generally in disorder if insolvency proceedings have been opened against that person's assets or that person has been entered in the register kept by the enforcement court (section 26 (2) of the Insolvency Statute, section 882b of the Code of Civil Procedure). A person's finances are not in disorder if, after insolvency proceedings have been opened, the meeting of creditors consents to the enterprise continuing on the basis of an insolvency plan and the court has approved the plan, or if the financial interests of the consumers of legal services are not specifically jeopardised for other reasons.

(3) Proof of theoretical expertise is to be furnished to the competent authority by means of certificates. Practical expertise generally presupposes at least two years of professional activity under instruction or practical professional training. As a general rule, in the case set out in section 10 (1), first sentence, no. 1 the professional activity or training must have been pursued in Germany for at least twelve months, in the case set out in section 10 (1), first sentence, no. 2 for at least eighteen months. Where the person is authorised to pursue one of the professions referred to in section 10 (1), first sentence, no. 1 or no. 2 or a comparable profession in another Member State of the European Union, in another state party to the Agreement on the European Economic Area or in Switzerland and where the conditions set out in section 1 (2) and (3) of the Act on the Activities of European Patent Attorneys in Germany are analogously met, then proof of the expertise may also be furnished taking account of the existing professional qualification by means of an at least six-month adaptation course. The Professional Qualifications Assessment Act is not applicable.

(4) Legal persons and companies without legal personality must designate at least one natural person who fulfils all the conditions as required by subsection (1) no. 1 and no. 2 (qualified person). The qualified person must be in the permanent employ of the company, must be capable of acting independently and issuing instructions on all matters concerning the company's legal services, and must be authorised to represent the company externally. Registered private individuals may designate qualified persons.

(5) The Federal Ministry of Justice and Consumer Protection is authorised to regulate, by statutory instrument requiring the consent of the Bundesrat, details concerning the registration requirements set out in sections 11 and 12, in particular the requirements relating to expertise and providing proof thereof, including recognition and certification of private operators of training courses for the acquisition of expertise, as to recognition of foreign professional qualifications and the adaptation course, as well as the content and form of the professional indemnity insurance, even if these deviate from the provisions of the Insurance Contract Act concerning compulsory insurance.

Section 13 Registration procedure

(1) The application for registration must be submitted to the authority competent at the person's principal place of business in Germany. Where a person has no place of business in Germany, the application may be submitted to any authority competent for implementation of this Act under section 19. The registration procedure may also be handled by a single entity under the provisions of the Administrative Procedure Act. In addition to the application, which must encompass all the information to be included in the Legal Services Register in accordance with section 16 (2), first sentence, no. 1 letters a) to d), the following is to be produced to enable verification of the requirements set out in section 12 (1) no. 1 and no. 2, as well as subsection (4):

1. a summary of the applicant's course of professional training and previous professional practice,
2. a certificate of good conduct in accordance with section 30 (5) of the Federal Central Criminal Register Act,
3. a declaration as to whether insolvency proceedings are pending or whether an entry has been made in a record of debtors within the last three years before submitting

the application (section 26 (2) of the Insolvency Statute, section 882b of the Code of Civil Procedure),

4. a declaration as to whether, in the last three years before submitting the application, registration or admission to the legal profession has been refused, withdrawn or revoked, or whether disbarment has been effected, and, if this is the case, a copy of the notice,

5. documents providing proof of theoretical and practical expertise.

In the cases referred to in section 12 (4), the documents referred to in the third sentence and documents providing proof of fulfilment of the requirements referred to in section 12 (4), second sentence, must be produced separately for each qualified person.

(2) A decision is to be taken on the application within three months; section 42a (2), second to fourth sentences, of the Administrative Procedure Act applies mutatis mutandis. Where the registration requirements in section 12 (1) no. 1 and no. 2 and subsection (4) are met, the competent authority shall require the applicant to provide proof of the professional indemnity insurance and of the fulfilment of any conditions (section 10 (3), first sentence) before the expiry of the period referred to in the first sentence. As soon as this proof has been furnished it shall register the applicant and shall arrange for public announcement in the Legal Services Register.

(3) Registered persons or their legal successors must immediately notify the competent authority in text form of all changes which will have repercussions as regards the registration or the content of the Legal Services Register. The competent authority shall arrange for the necessary registrations and their public announcement in the Legal Services Register. If relocation of the principal place of business has repercussions as regards competence in accordance with the first sentence of subsection (1), the authority shall pass the matter on to that authority competent for the new principal place of business. The latter shall notify the registered person of its being competent, shall register the change and arrange for its public announcement in the Legal Services Register.

(4) The Federal Ministry of Justice and Consumer Protection is authorised to regulate, by statutory instrument requiring the consent of the Bundesrat, details concerning the registration procedure. In particular, retention and deletion periods shall be provided for.

Section 13a **Supervisory measures**

(1) The competent authority is responsible for overseeing compliance with this Act.

(2) The competent authority is responsible for taking measures against persons providing legal services to ensure compliance with this Act. In particular, it may order or amend the requirements laid down in section 10 (3), third sentence.

(3) The competent authority may impose a full or partial temporary ban on persons providing legal services where well-founded facts justify the assumption that

1. a registration requirement under section 12 has ceased to apply or
2. significant or permanent breaches of duty are being committed.

(4) In so far as it is necessary for the fulfilment of the tasks assigned to the competent authority in its capacity as supervisory authority, the person providing legal services must permit the competent authority and those persons acting on its behalf to enter their business premises during normal operating hours, upon request to present the relevant books, records, receipts, papers and other documents in an appropriate form for inspection, including those which are kept electronically, to provide information and the required assistance. The person obliged to provide information may refuse to do so if, by doing so, that person would put himself or herself or one of their relatives referred to in section 383 (1) nos 1 to 3 of the Code of Civil Procedure at risk of prosecution for a criminal offence or proceedings under the Act on Regulatory Offences. The person is to be informed of this

right.

Section 14 Revocation of registration

The competent authority shall revoke the registration notwithstanding section 49 of the Administrative Procedure Act or corresponding provisions under *Land* law

1. where well-founded facts justify the assumption that the registered person or a qualified person no longer possesses the requisite personal suitability or reliability; this is generally the case where one of the grounds referred to in section 12 (1) no. 1 subsequently arises or the registered person persistently fails to notify those changes referred to in section 13 (3), first sentence,
2. where the registered person no longer maintains professional indemnity insurance in accordance with section 12 (1) no. 3,
3. where well-founded facts justify the assumption that unqualified legal services are being provided on a permanent basis to the detriment of the consumers of legal services or of legal relations; this is generally the case where the registered person is providing a substantial volume of legal services over and above the registered person's registered authorisation or the registered person persistently fails to comply with requirements imposed or disclosure and information requirements as laid down in section 11a,
4. where a legal person or company without legal personality which has not designated another qualified person does not designate a qualified person within six months of the qualified person's departure.

Section 14a Appointment of a liquidator for pension consultants

- (1) Where a person registered as a pension consultant (section 10 (1), first sentence, no. 2) dies or their registration is withdrawn or revoked, the authority responsible for the registration may appoint a liquidator to wind up their practice. The liquidator must be a lawyer or a person registered to work in the same field as the registered person whose practice is to be wound up.
- (2) Section 53 (5), third sentence, (9) and (10), first to sixth sentences, and section 55 (1), fourth and fifth sentences, (2), first and fourth sentences, (3), second sentence, and (4) of the Federal Lawyers' Act apply *mutatis mutandis* with the proviso that the authority which appointed the liquidator takes the place of the executive board of the bar association.

Section 15 Temporary legal services

- (1) Natural and legal persons and companies without legal personality legally established in another Member State of the European Union, in another state party to the Agreement on the European Economic Area or in Switzerland for the pursuit of one of the professions referred to in section 10 (1), first sentence, no. 1 or no. 2 or a comparable profession may temporarily and occasionally pursue this profession in the Federal Republic of Germany with the same rights and obligations as a person registered in accordance with section 10 (1), first sentence, no. 1 or no. 2 (temporary legal services). If neither the profession nor the training for this profession is regulated in the country of establishment, this shall apply only where the person or company has pursued the profession in the states referred to in the first sentence for at least one year over the course of the previous ten years. Whether legal services are being provided temporarily and occasionally is in particular to be assessed on the basis of their duration, frequency, regularity and continuity.
- (2) Temporary legal services may be provided only where the person or company makes a report in text form before first providing services in Germany to an authority competent in accordance with section 19 and that report contains the information referred to in the second

sentence. The registration procedure may also be handled by a single entity in accordance with sections 71a to 71e of the Administrative Procedure Act. In addition to the information to be made public in the Legal Services Register in accordance with section 16 (2), first sentence, no. 1, letters a) to c), the report must include

1. certification that the person or company is legally established in a Member State of the European Union, in another state party to the Agreement on the European Economic Area or in Switzerland to pursue one of the professions referred to in section 10 (1), first sentence, no. 1 or no. 2 or a comparable profession and that, at the time of presenting the certification, the person or company has not been banned, even temporarily, from pursuing this activity,
2. proof that the person or company has legally pursued the profession in the states referred to in no. 1 for at least one year in the course of the previous ten years if the profession is not regulated in that state,
3. proof, where the profession is pursued in the territory of the Federal Republic of Germany, of having taken out professional indemnity insurance in accordance with subsection (5) or information regarding why conclusion of such insurance is not possible or unreasonable; otherwise, a declaration stating that the profession is exclusively pursued from the country of establishment,
4. the professional title under which the activity is to be pursued in Germany.

Section 13 (3), first sentence, applies *mutatis mutandis*. The report must be made annually if the person or company intends to once again provide temporary legal services in Germany after the expiry of one year. In this case the proof or the declaration referred to in the third sentence, no. 3 must be included.

(3) As soon as the report referred to in subsection (2) has been made in full, the competent authority shall effect temporary registration or its extension by one year and shall arrange for publication in the Legal Services Register. The procedure is free of charge.

(4) Temporary legal services are to be provided using the professional title used for the activity in the language of the country of establishment. Confusion with the professional titles listed in section 11 (4) must be ruled out.

(5) Temporarily registered persons or companies pursuing their profession in the territory of the Federal Republic of Germany are obliged to take out professional indemnity insurance to cover their liability risks for financial losses resulting from their professional activity in Germany, and the type and extent of the insurance must be appropriate to the risks arising from their professional activity. Where the person or company is unable to take out such insurance or this is unreasonable, the person or company must indicate that fact and the consequences thereof to clients before being retained.

(6) The competent authority may ban a temporarily registered person or company from continuing to provide legal services where it is to be assumed on the basis of well-founded facts that that person or company will provide unqualified legal services on a permanent basis to the detriment of the consumers of legal services or legal relations or if that person or company has significantly violated any professional duties. The conditions under the first sentence are generally met where the person or company

1. is no longer legally established in the country of establishment or has been banned from pursuing the activity,
2. is providing a substantial volume of legal services over and above their registered authorisation,
3. persistently violates disclosure and information requirements as laid down in section 11a,

4. does not have the German language skills needed to pursue the professional activity in Germany,

5. persistently continues to use an incorrect professional title contrary to subsection (4) or

6. persistently violates the requirements as laid down in subsection (5) on professional indemnity insurance.

(7) Natural and legal persons and companies without legal personality legally established in one of the states referred to in the first sentence of subsection (1) to provide legal services under a foreign law (section 10 (1), first sentence, no. 3) may temporarily and occasionally provide those legal services in the Federal Republic of Germany with the same authorisations as a person registered in accordance with section 10 (1), first sentence, no. 3 (temporary legal services). Subsection (1), second and third sentences, and subsections (2) to (6) shall apply mutatis mutandis.

Section 15a Statistics

Federal statistics are to be kept regarding procedures in accordance with section 12 (3), fourth sentence, and section 15. Section 17 of the Professional Qualifications Assessment Act is applicable.

Section 15b Operating without being registered

Where legal services are provided without the required registration or without temporary registration, the competent authority may put a stop to the activities.

Part 4 Legal Services Register

Section 16 Content of the Legal Services Register

(1) The Legal Services Register provides information to the consumers of legal services, persons providing legal services, legal relations and public agencies. Everyone is entitled to inspect the Legal Services Register free of charge.

(2) Only the following is made public in the Legal Services Register, stating the authority competent in accordance with section 9 (1) or section 13 (1) and the date of the registration in question:

1. the registration of persons permitted to provide legal services in one or more of the fields or sub-fields referred to in section 10 (1), stating
 - a) their family name and first name, their name or the name of their company, including its legal representatives and the court of registration and the registry number under which it has been entered in the register of companies, partnerships, cooperatives or associations,
 - b) the year established,
 - c) the business address, including the addresses of all branch offices,
 - d) the qualified persons designated in accordance with section 12 (4), stating their family name and first name,
 - e) the content and scope of the authorisation to provide legal services, including any requirements imposed, and stating whether registration is temporary in accordance with section 15 and under which professional title the legal services are to be provided in Germany in accordance with section 15 (4),

2. the registration of persons or associations banned by final order from providing legal services in accordance with section 9 (1), stating

- a) their family name and first name, their name or the name of their company, including its legal representatives and the court of registration and the registry number under which it has been entered in the register of companies, partnerships, cooperatives or associations,
- b) the year established,
- c) the address,
- d) the length of the ban.

In the case of public announcement in accordance with the first sentence, no. 1, the business address is to be published together with the registered person's telephone number and email address if that person has consented in writing to publication of these data. Where a liquidator is appointed, this fact must also be published, together with the liquidator's family name, first name and address.

(3) Public announcement is made by means of central and national publication on the Internet at www.rechtsdienstleistungsregister.de. The authority competent in accordance with section 9 (1) or section 13 (1) has responsibility under data protection law for the data it makes public in the Legal Services Register, in particular for the lawfulness of their collection, the permissibility of their publication and their accuracy. The Federal Ministry of Justice and Consumer Protection is authorised to regulate, by statutory instrument requiring the consent of the Bundesrat, details concerning public announcement on the Internet.

Section 17

Deletion of data made public

(1) The data to be made public in the Legal Services Register are to be deleted

1. upon a registered person waiving the registration,
2. upon the death of a natural person,
3. upon the termination of legal persons and companies without legal personality,
4. upon the decision regarding persons whose registration was withdrawn or revoked becoming final,
5. upon the expiry of the period for which persons or associations have been banned from providing legal services under section 9 (1),
6. upon the expiry of one year after the temporary registration or last extension of persons or companies under section 15, in the case of a ban imposed in accordance with section 15 (6) upon the ban becoming final.

Where, in the case set out in the first sentence, no. 2 or no. 4, a liquidator is appointed, the data shall not be deleted until liquidation has been completed.

(2) The Federal Ministry of Justice and Consumer Protection is authorised to regulate, by statutory instrument requiring the consent of the Bundesrat, details concerning the procedure for deletion.

Part 5

Data transmission and competences, provisions governing regulatory fines

Section 18

Treatment of personal data

(1) The competent authorities may transmit to each other and to other authorities responsible for implementing this Act data relating to registrations made in accordance with section 9 (2),

section 10 (1) and section 15 (3) in so far as knowledge of these data is necessary in the implementation of this Act. They may store the data to be made public in accordance with section 16 (2) for a maximum of three years following deletion of the public announcement in a central, national database and may call up data in that database in an automated procedure; section 16 (3), second sentence, applies *mutatis mutandis*. Courts and authorities may transmit to the competent authority personal data in so far as knowledge of these data is necessary for the following purposes:

1. registration or the withdrawal or revocation of registration,
2. a ban in accordance with section 9 (1) or section 15 (6),
3. a supervisory measure pursuant to section 13a,
4. a measure pursuant to section 15b or
5. European administrative cooperation pursuant to subsection (2).

The third sentence applies only in so far as the transmission of the data will not jeopardise the person's interests meriting protection or where the public interest overrides the person's interest in keeping them secret.

(2) Sections 8a to 8e of the Administrative Procedure Act applies to European administrative cooperation. The competent authority shall use the European Union's Internal Market Information System for the purposes of European administrative cooperation.

(2a) Where it is determined within the context of administrative court proceedings that a person making an application for recognition of their professional qualification under Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22; L 271, 16.10.2007, p. 18; L 93, 4.4.2008, p. 28; L 33, 3.2.2009, p. 49; L 305, 24.10.2014, p. 115), as last amended by Directive 2013/55/EU (OJ L 354, 28.12.2013, p. 132; L 268, 15.10.2015, p. 35; L 95, 9.4.2016, p. 20), as amended, has used forged proof of professional qualification, the competent authority shall, within three days after the court decision becomes final, notify the other Member States of the European Union, the other states party to the Agreement on the European Economic Area and Switzerland, via the Internal Market Information System, of the identity of the person and of the fact that that person has used forged proof of professional qualification. Section 38 (2) of the Act on the Activities of European Lawyers in Germany applies *mutatis mutandis*.

(3) The Federal Ministry of Justice and Consumer Protection is authorised to regulate, by statutory instrument requiring the consent of the Bundesrat, details concerning the treatment of personal data, in particular their publication in the Legal Services Register, inspection of the Register, data transmission, including automated data retrieval, and administrative assistance. It must thereby be ensured that the data made public remain intact, complete and up to date during data transmission and that they can be attributed to their source at any time.

Section 19

Competence and delegation of powers

(1) The *Land* departments of justice, which are also the competent agencies within the meaning of section 117 (2) of the Insurance Contract Act, are responsible for implementing this Act.

(2) The *Land* governments are authorised to delegate the tasks and powers accorded to the *Land* departments of justice under this Act by statutory instrument to authorities subordinate to these. The *Land* governments may delegate this authorisation by statutory instrument to the *Land* departments of justice.

Section 20

Provisions governing regulatory fines

(1) Whoever

1. contravenes an enforceable order under section 9 (1), first sentence, or section 15 (6), first sentence, also in conjunction with subsection (7),
2. provides a legal service referred to in section 10 (1) without registration in accordance with that provision,
3. contravenes an enforceable order under section 10 (3), first sentence, or
4. uses a professional title or designation referred to in section 11 (4) contrary to that provision

shall be deemed to have committed a regulatory offence.

(2) Whoever wilfully or negligently,

1. contrary to section 11a (1), first sentence, does not transmit a piece of information referred to therein, does not do so correctly, in full or in good time,
2. contrary to section 11a (1), second sentence, does not make a notification, does not do so correctly, in full or in good time,
3. contrary to section 15 (2), first sentence, also in conjunction with subsection (7), provides a temporary legal service or
4. contrary to section 15 (2), fifth sentence, also in conjunction with subsection (7), does not resubmit the report referred to therein, does not do so correctly, in full or in good time

shall be deemed to have committed a regulatory offence.

(3) A fine of up to fifty thousand euros may be imposed against the regulatory offence.