



Membership Application Form (Affiliate Membership)

Company _____

CEO _____

Email address (CEO) _____

Address _____

Phone _____

Contact person for BREKO _____

Email address (contact person) _____

VAT ID number _____

Billing address (if different from the above address)

Invoice receipt

By mail _____ (...) to _____
ZUGFeRD XInvoice

PO number if desired: _____

We place our company in the following category (please select below):

Category	Annual Turnover		Membership Fee
B2	until below 5 million EUR		3.750,00 EUR
B3	5 million EUR	until below 10 million EUR	5.750,00 EUR
B4	10 million EUR	until below 15 million EUR	6.750,00 EUR
B5	15 million EUR	until below 20 million EUR	7.750,00 EUR
B6	20 million EUR	until below 25 million EUR	8.750,00 EUR
B7	25 million EUR	until below 30 million EUR	9.500,00 EUR
B8	30 million EUR	until below 40 million EUR	12.000,00 EUR
B9	40 million EUR	until below 50 million EUR	13.750,00 EUR
B10	50 million EUR	until below 100 million EUR	15.000,00 EUR
B11	100 million EUR	until below 500 million EUR	20.000,00 EUR
B12	more than 500 million EUR		25.000,00 EUR

We are aware of the status and the contribution of the German Broadband Association (BREKO).

Place and date

Stamp and signature

Executive summary: Membership Fee Rules

Please note that the following document is merely an executive summary of the BREKO Membership Fee Rules and has no formal legal standing. You may refer to the original text in German language, which is the only version with legal effect.

1. General information

Association members pay an annual membership fee according to their membership classification. There are two types of members: full members (category A) and associate members (category B).

Membership fees are determined by the sum of revenues achieved by the member company and its affiliated companies under § 15 of the German Stock Corporation Act (Aktiengesetz). In exceptional and duly justified cases, the Board of Directors may decide not to take affiliated companies into account when calculating fees. Members shall provide proof of their annual revenue to the Managing Director.

The Board of Directors reserves the right to admit new members based on the proposal of the Managing Director and reports new members at the following General Assembly.

Category A – Full members

All full members hold equal rights and only full members have decision-making authority and voting rights.

Price levels for full members:

Level	Annual revenue		Membership fee
A1		up to EUR 2,5m	EUR 3,750.00
A2	EUR 2,5m	up to EUR 5m	EUR 7,500.00
A3	EUR 5m	up to EUR 10m	EUR 11,500.00
A4	EUR 10m	up to EUR 15m	EUR 13,500.00
A5	EUR 15m	up to EUR 20m	EUR 15,500.00
A6	EUR 20m	up to EUR 25m	EUR 17,500.00
A7	EUR 25m	up to EUR 30m	EUR 19,000.00
A8	EUR 30m	up to EUR 40m	EUR 24,000.00
A9	EUR 40m	up to EUR 50m	EUR 27,500.00
A10	EUR 50m	up to EUR 100m	EUR 30,000.00
A11	EUR 100m	up to EUR 500m	EUR 40,000.00
A12	More than EUR 500m		EUR 50,000.00

Category B – Associate members

Associate members hold no voting rights and no decision-making authority. In general, associations and natural persons fall under category B. The Board of Directors reserves the right to determine different fees in special cases.

Price levels for associate members:

Level	Annual revenue	Membership fee
B1	Long-term members* up to EUR 2,5m	EUR 2,500.00
B2	up to EUR 5m	EUR 3,750.00
B3	EUR 5m up to EUR 10m	EUR 5,750.00
B4	EUR 10m up to EUR 15m	EUR 6,750.00
B5	EUR 15m up to EUR 20m	EUR 7,750.00
B6	EUR 20m up to EUR 25m	EUR 8,750.00
B7	EUR 25m up to EUR 30m	EUR 9,500.00
B8	EUR 30m up to EUR 40m	EUR 12,000.00
B9	EUR 40m up to EUR 50m	EUR 13,750.00
B10	EUR 50m up to EUR 100m	EUR 15,000.00
B11	EUR 100m up to EUR 500m	EUR 20,000.00
B12	More than EUR 500m	EUR 25,000.00

(* Membership accepted before 31.12.2017)

2. Date of payment, default interest, reimbursement of contributions

Membership fees for the year of admission shall be charged pro rata from the month in which membership begins.

The fees are invoiced to members at the beginning of the financial year and are due within 30 days. Late payments are subject to an interest rate of 7% above the base rate of the European Central Bank for the outstanding amount.

In case late payments are not settled after the second reminder, the defaulting member will be excluded from the Association by the Board of Directors in accordance with the BREKO statutes.

In case a member leaves the Association – regardless of the reason – fees, contributions and levies already paid shall not be reimbursed in accordance with the BREKO statutes.

According to the BREKO statutes, the General Assembly can decide on special levies (e.g. for active litigation).

3. VAT obligation

Should membership fees be subject to a statutory VAT, BREKO reserves the right to retrospectively charge the sums due.

Executive Summary: BREKO Statutes

Please note that the following document is merely an executive summary of the BREKO statutes and has no formal legal standing. You may refer to the original statutes in German language, which is the only version with legal effect.

Name and registered office (see § 1 BREKO statutes)

The Association is called “Bundesverband Breitbandkommunikation e.V.” (“German Broadband Association”) and is registered in Bonn.

Objectives and purpose (see § 2 BREKO statutes)

- BREKO is a voluntary association of telecommunication companies that own or operate telecommunication networks.
- The purpose of the Association is to:
 - act on behalf of its members at regional, national and international level;
 - represent and promote their common general and economic interests;
 - act jointly towards the public, the legislative and executive bodies of the European Union, the German Federal Government and Federal States, the National Regulatory Authorities, the German and EU competition authorities, associations and other institutions to protect the interests of its members;
 - safeguard the legal interests of its members;
 - create synergy effects between its members in the private sector;
 - promote the deployment of fibre networks.
- The main objectives of the Association are to:
 - ensure fair competition conditions in the telecommunications market;
 - promote the economic activities of its members in the telecommunications sector;
 - support the liberalisation process;
 - promote the deployment and modernisation of telecommunication infrastructures.
- The Association can become a member of national and international associations to foster the cooperation of its members with the industry.
- The Association has no commercial interest.

Membership (see § 3 BREKO statutes)

Membership of the association is on a voluntary basis. Any telecommunications company that owns or operates telecommunication networks can become a full member. Any natural person or legal entity whose main field of activity is in the telecoms sector can become an associate member upon application, provided that its actions are conducive to the Association’s purpose. Associate members have no decision-making authority, nor do they have any active or passive voting rights.

Membership application (see § 4 BREKO statutes)

Applications for membership must be submitted in writing to the Association offices. The Board of Directors reserves the right to admit new members based on the proposal of the Managing Director and reports new members at the following General Assembly.

Rights and obligations of members (see § 5 BREKO statutes)

- All full members hold equal rights and only full members have decision-making authority and voting rights. Each member has one vote.
- Members have the right to:
 - participate in the General Assembly, submit motions and exercise decision-making authority and voting rights;
 - ask for information and advice from the Association within the scope of its competence;
 - receive publications of the association and use association facilities;
 - request cost-sharing from the Association in the case of legal proceedings of fundamental importance, provided that the Board of Directors agrees to an application as a test case.
- Members have the obligation to:
 - support the Association in achieving its objectives;
 - comply with the statutes of the Association and immediately implement decisions made within the framework of these statutes;
 - pay the fixed membership fees, contributions and levies without delay;
 - provide the Association with a postal address and e-mail address for summonses and immediately inform the Association about any changes to their contact data.

Termination of Membership (see § 6 BREKO statutes)

- Membership can be terminated in writing to the Board of Directors within a 6 months' notice period before the end of the calendar year. Membership termination does not exempt members from their obligations. In particular, outgoing members are obliged to pay their membership fees (see § 11 BREKO statutes) until the end of the calendar year.
- Membership ceases by default, if the membership requirements (see § 3 BREKO statutes) are no longer fulfilled, business activities are discontinued, or, in case of associate membership, upon dissolution of the Association.
- Members can be expelled with immediate effect by the Board of Directors if there is an important reason.

Bodies of the Association (see § 7 BREKO statutes)

The Bodies of the Association are the General Assembly, the Board of Directors and the Managing Director.

General Assembly (see § 8 BREKO statutes)

- The General Assembly meets at least once a year.
- All members of the Association can participate in the General Assembly. Guests may attend by resolution of the General Assembly.
- The General Assembly has the following competences:
 - accepting the statement of accounts of the Board of Directors and the Managing Director;
 - relieving the Board of Directors and the Managing Director of their liability;
 - electing the Board of Directors;
 - deciding the level of membership fees through the adoption of the contribution rules and special levies;
 - adopting the annual budget and the annual financial statement;
 - deciding on active litigation (e.g. test cases)
 - amending the statutes of the Association.
- Only full members hold voting rights.

Board of Directors, Presidium (Steering Committee) (see § 9 BREKO statutes)

- The Board of Directors is composed of at least five managing directors from among the full members. The Board of Directors has the power to nominate up to three further managing directors among the Association members to the Board of Directors.
- The Board of Directors elects the Presidium (Steering Committee) from among its members. The Presidium is composed of: the President, at least one Vice-President, and the Treasurer.
- The Board of Directors is elected for a period of two years. Multiple re-elections are permitted. Membership in the Board of Directors ceases at the end of the office term, upon dismissal of the General Assembly or upon resignation delivered in writing to the Association offices. Members of the Board of Directors remain in office beyond their office term until a new Board of Directors has been elected.
- The Board of Directors has regular meetings (at least twice a year) and may also convene via telephone conferences.

Managing Director (see § 10 BREKO statutes)

- The Managing Director reports to the Board of Directors and is responsible for running the daily business of the Association. This includes the hiring and dismissal of employees.
- All other rules concerning the Managing Director's functions are governed by the rules of procedure.

Membership fees (see § 11 BREKO statutes)

- The level of membership fees is determined by the contribution rules, which is adopted by the General Assembly.
- Membership fees are paid in advance for an entire calendar year. This also applies to the years of accession and withdrawal. In case membership is terminated according to the statutes no payments will be refunded.