

# FAQ - Introducing the Radio and Television Broadcast Fee as of 01.01.2013

## 1. How is the fee obligation regulated?

With the coming into effect of the amended broadcasting law as of January 1<sup>st</sup> 2013, the previously existing radio/TV licence fees have been replaced by a broadcast fee – as a result the central radio and television fee collecting agency (GEZ) has been renamed “the ARD ZDF German Radio Broadcast Fee Service” (AZDBS).

Since January 2013 a basic lump sum is calculated for all sets in each type of housing. This fee amounts to €17.98 a month irrespective of whether receiver sets are on hand or in use in the apartment/room. This fee complies with the previous maximum rate – i.e. for those who already have a registered TV set there will be basically no change. All possible types of use are covered (e.g. car radios) by the payment of the broadcast fee. The fee is to be paid for three months at a time.

## 2. Who must pay?

The person liable to pay the broadcast fee is the occupant, i.e. any person of legal age who actually resides there, irrespective of nationality. Seeing that difficulties in drawing distinctions are inevitable, the basic rule is that every tenant and all those registered in the apartment are considered to be occupants.

If there is – as in the case of shared accommodation or a group apartment – more than one occupant, these persons are jointly liable. This means that one of the occupants can be called upon to pay for the entire broadcast fee on behalf of all occupants: the other occupants are duty-bound amongst themselves to pay their share to that contributor. On the other hand, this means: the more occupants liable to pay the fee (excluding those exempted) in a shared community, the smaller the amount that each individual has to pay proportionately. Thereby it makes no difference that each occupant has his/her own rental contract.

## 3. What is an “apartment”?

Fundamentally an “apartment” in this sense counts as every self-contained unit which

- is suitable for living or sleeping in or is occupied has its own entrance and
- can be entered into directly from a stairway or from the hallway or from outside – not accessed via another occupied room.

## 4. Which places of residence in student hostels count as “apartments”?

- Single apartments are single units: here the individual tenant must pay €17.98 monthly (with the exception of BAföG recipients)
- Double apartments and group apartments/shared apartments may be accepted as one apartment – that means in each case only one occupant must pay €17.98.
- With “hall sharing groups” (meaning single room with shared kitchen and or shared bathroom on the same floor as well as an entrance door to the floor) the situation is unfortunately not clear: probably the “ARD ZDF German Radio Broadcast Fee Service” will try to classify every room as being a place of residence liable to pay the broadcast fee.

Taking into account the actual circumstances, in case of doubt decisions on individual cases can be expected from the relevant jurisdiction so as to establish clarity regarding the broadcast fee obligation.

## **5. How can one be exempted from the broadcast fee obligation?**

Whoever receives social welfare assistance can as a rule get him/herself exempted from the obligation to pay the broadcast fee. This applies in particular to recipients of BAföG who no longer live with their parents.

The request for exemption must be submitted in writing to the regional broadcasting agency responsible; the applicable claim forms are available on the internet under the link

[http://www.rundfunkbeitrag.de/buergerinnen\\_und\\_buerger/ermaessigung\\_und\\_befreiung/index\\_ger.html](http://www.rundfunkbeitrag.de/buergerinnen_und_buerger/ermaessigung_und_befreiung/index_ger.html).

The original current BAföG notification or a certified copy must be submitted with the claim form. Whoever lives in an apartment-sharing community must also submit the names of the flatmates sharing the apartment.

Whoever does not qualify for BAföG because his/her finances exceed the respective limit allowed by less than 17,98€, he/she may apply for an exemption from the broadcast fee obligation as a special hardship case; in this case the letter of rejection must be submitted.

With married couples and officially registered co-habitation cases who live together in one apartment – for example in a double apartment – the BAföG exemption also applies for the others; but: apart from that in the case of unmarried couples who live together in an apartment, the male or female partner can be asked to pay by the ARD ZDF German Radio and TV Broadcast Fee Service. All exemptions as well as possible reductions are conclusively listed in §4 of the Broadcast Fee State Treaty (RBStV).

### **a) Can I be exempted when my hostel apartment or room is simply my secondary residence?**

No, the fee is to be paid per apartment or room respectively and not per person.

### **b) Are foreign students exempt?**

No, there are no special rules for foreign students or for scholarship holders and exchange programme students (e.g. Erasmus).

### **c) Are tenants with a limited rental contract of less than three months obliged to pay the broadcast fee?**

The obligation to pay the broadcast fee starts on the first day of tenancy and ends according to the agreement in the rental contract. The broadcast fee obligation is not dependent on whether the student has met his/her obligation to notify the residents' registration office. This also applies to foreign students who reside for only a short period in an apartment or room.

## **6. How are broadcast fee contributors in shared apartments selected?**

The occupants in shared apartments have joint liability. That means that the broadcast fee can in fact be demanded randomly and fully one time only from every tenant. Each occupant has the right to get his/her share from the other

occupants. It becomes complicated when one of the occupants is exempt from paying the broadcast fee e.g. if he/she is a BAföG recipient, he/she will not have to pay.

Example: a shared apartment has four students in it over the age of 18, one of which is a BAföG recipient. One of the occupants is requested to pay the broadcast fee demanded by the ARD ZDF German Radio Broadcast Fee Service and pays €17.98 a month. He/she can then ask the other two students who are also liable to pay their share to him/her, amounting to €6.00 each which is €17.98 divided by 3. The BAföG recipient is left out because he/she is exempt – see §5.

### **7. Can apartment sharing communities decide amongst themselves who the contributor is?**

The nature of joint liability is such that the creditor – here the ARD ZDF German Radio Broadcast Service can select the person concerned who will then be liable for prosecution.

It does not work with the trick, for example, that a shared community designates a BAföG recipient who does not have to pay because of exemption.

### **8. Can the landlord pay for the broadcast fee instead and apportion the cost to the tenant via the rent or the running costs?**

No! This is not legally possible in tenant law. Apart from that, there is nothing to be gained from it as joint liability still exists and the broadcasting corporations can select a liable contributor/ occupant who they can prosecute.

### **9. How do the broadcast corporations get the tenant data?**

Through the registry office officials who forward the data of all persons of age to the respective broadcasting corporations responsible for acquisition and record-keeping. This data includes, amongst other things name, date of birth, marital status, current and former address as well as the moving-in date into the apartment/room.

Furthermore, the occupants themselves have obligations to disclose and provide information to the regional broadcasting corporations (see question 11 in this connection). Indeed a regional broadcasting corporation can also request information about the tenants from the landlord but this only applies when they conclude that they have no other possibility to establish the number of occupants in an apartment.

### **10. What happens if I have already been a contributor to the radio/TV licence up to now?**

It is understood that everyone who has paid the radio/TV licence up to now must also pay in the future. Thus the change to the broadcast fee follows automatically unless otherwise indicated.

In the cases where within a shared community (= 1 fee contributor) there are more than one contributors, do not rely on the ARD ZDF Broadcast Fee Service contacting you in order to revise this. You must play an active role here.

### **11. What obligation do I have as tenant to give information?**

Every occupant of an apartment/room must volunteer to give his/her name to the regional broadcasting corporation and also inform of any changes to his/her data. This does not apply in shared communities where another occupant

is registered and is the contributor. Moreover the regional broadcasting corporation can request detailed information from every contributor.

### **12. Can I shirk this obligation and what happens if I do not pay it?**

The household fee (broadcast fee per apartment) can only be shirked by people with unlicensed television sets. One was able to avoid payment of fees relatively easily because the GEZ (former radio licence fee agency) had to prove that radio sets were existent, now one has the responsibility to prove that not even the possibility of receiving broadcasting services exists – if this cannot be done, the contribution must be paid but not if one is not exempt from it.

Beware! Deliberate non-payment or non-payment through negligence shall be regarded as a punishable offence and offenders can be fined.

### **13. Can the broadcasting corporation employees request entry into the apartment?**

No, they have never been allowed to and will not be allowed to in the future! Entry into the apartment is no longer necessary as the broadcast fee will be charged irrespective of the number of sets or whether they actually exist or not.

### **14. Where do I get further information?**

Further information can be found on the internet under <http://www.rundfunkbeitrag.de> .