

## **New Regulations on Broadcasting Contribution Fees – Information for Student Tenants**

**Updated on March 6, 2013**

To make dealing with the new broadcasting contribution fee a bit easier, we have compiled a list of the most frequently asked questions:

### **1. How is the new contribution fee obligation regulated?**

By law, public broadcasting services are financed by a fee in Germany. The revised Broadcasting Law was placed into effect on the 1<sup>st</sup> of January 2013. Also, the name of organization responsible for collecting the contribution fee was changed from “Gebühreneinzugszentrale” (GEZ) to “ARD ZDF Deutschlandradio Beitragsservice.”

As of January 2013, each household has to pay one basic flat rate to cover all devices. Each residence pays €17.98 monthly, regardless of which devices the residence has or uses, and whether or not any devices are even present in the residence. This corresponds with the recent maximum rate – which means basically nothing changes for those who have already registered a television device. All possible types of usage are covered by paying this fee, even the usage of such devices in a vehicle.

The contribution fee is to be paid three months at a time.

### **2. Who has to pay?**

Persons owing the contribution are the homeowner/s – i.e., every person who is of legal age and who actually lives there, regardless of nationality. Since demarcation difficulties are inevitable, each tenant, and every person, who is registered in the residence counts as a homeowner (for simplification we will describe them all as tenants from this point forward.)

If there is more than one tenant – such as in a shared living residences / shared apartments – then all tenants are jointly and severally liable. This means that, in principle, any one of the tenants may be held responsible to pay the contribution fee for all tenants combined. This one tenant must pay one amount completely and for everyone; independently, the tenants must determine their own obligations to compensate for their portions of the fee. In other words, this means that the more contribution-paying (nonexempt) tenants that live in a shared living residence, the lower the proportionate sum will be that each of them has to pay. The fact that each tenant may have signed his/her own tenancy agreement is not a factor.

### **3. What is a “residence”?**

Basically, in this sense, every self-contained room unit counts as a residence if it is

- used for living or sleeping and
- can be accessed through its own entrance, directly from a staircase, a lobby or anteroom or from outside – and not through another living room.

### **4. How exactly do dorm rooms in student residence halls count as “residences”?**

- Single apartments are counted as single residences. Here, the tenant has to pay the contribution fee of €17.98 per month (to see if you are exempted from paying, please refer to Question 5.)
- Double apartments and the so-called residential groups (i.e., shared apartments) are each allowed to be considered as one residence, meaning only **one tenant** has to pay the contribution fee.
- In the so-called “dormitory buildings” - which have a shared kitchen and/or bathroom for everyone on that floor - regretfully, the legal situation is not quite clear. The “ARD

ZDF Deutschlandradio Beitragsservice” will probably try to define each room as a “residence”, meaning that all tenants on the floor would then have to individually pay towards the whole contribution fee. We recommend that the tenants should of course claim their respective floor as **one residence**.

## **5. How may I be exempted from the contribution fee?**

Recipients of social benefits can, upon application, be exempted from the contribution fee obligation. Counted amongst these recipients are recipients of BAföG (Bundesausbildungsförderungsgesetz) who no longer live with their parents.

The application for exemption is to be submitted in written form to the respective regional broadcasting corporation; the according application forms are readily available in cities and communities, as well as on the internet. The application must include the original or a certified copy of the current version of their BAföG assessment. Furthermore, whoever lives in a shared living residence must disclose the names of his or her roommates as well.

By the way: whoever does not receive BAföG assistance - and whose income exceeds the respective limit by less than €17.98 - may apply for an exemption from the contribution fee as a special hardship case. In this case, the notice of rejection by BAföG assistance must be submitted.

For married couples and couples with an officially registered life partnership (the official title is “eingetragene Lebenspartnerschaft”) who share a residence, for example in a double apartment, the BAföG exemption rule also applies for one’s partner. However, if a couple is living together in a partnership that is not officially registered, then one’s partner will be asked to pay the contribution fee.

All regulations regarding the exemption or reduction of the contribution fee are listed in Section 4 of the Broadcasting Treaty, or “Rundfunkbeitragsstaatsvertrag.”

### **5 a) May I be exempted if my residence at the city where I study is only my official second home?**

No, the contribution fee has to be paid per residence, not per person.

### **5 b) Are students from abroad exempted?**

No, there are no special regulations for students from abroad/foreign students. Also, there are no special regulations for students with scholarships or for students who are in Germany on exchange programs (i.e., Erasmus.)

## **6. How are the contributors in shared living residences chosen?**

The tenants of a shared living residence, who are obligated to pay the fee, are so-called joint debtors. This means that the broadcasting contribution fee could be demanded only once, randomly and completely, from any tenant. This person is then entitled to collect each of his or her tenants’ portions of the fee directly from them.

It can turn out to be more complicated if individual roommates are exempted from the obligation to pay – for example, recipients of BAföG assistance are exempted from paying their contribution.

Example: In a shared living residence consisting of four adult students, one of the students is a BAföG recipient. Meanwhile, one of the shared residence tenants is requested by the ARD ZDF German Radio Broadcasting Contribution Service to be the fee contributor and therefore

has to pay €17.98 per month. He/she can then fairly request €6.00 ( $€17.98 / 3$ ) from the other two shared residence tenants who are obligated to pay the fee. Finally, the BAföG recipient is kept out of the picture because he or she is exempted from paying the fee.

### **7. Can shared-living residences select the fee contributor themselves?**

No. The essence of the joint and several debtor liability is that the creditor – here, the according regional radio broadcasting corporation – can decide who they want to choose as the person responsible for paying the fee.

Therefore, the trick cannot be pulled off where the tenants of a shared living residence simply choose a BAföG recipient to be the responsible fee contributor, who would of course be exempted from paying the fee.

### **8. May the landlord choose to take over the radio contribution fee and proportionately include the fee amount in the cost of rent and operation costs that they charge the tenants?**

No! This is legally impossible for the landlord due to rental law. Regardless, this distribution between tenant and landlord would also not change anything: the joint and several debtor liability relation still stands, and the broadcasting corporation can therefore choose any of the home-owning tenants to be the responsible fee contributor.

### **9. How do the broadcasting corporations come to access tenants' data?**

These corporations gain access to such data from the registration offices, because these offices submit data for the existing and initial registration of all adult persons to the according regional broadcasting corporation. Included in such data, amongst other things, are: one's name, birthdate, marital status, one's current and last address as well as the date they moved in.

Furthermore, the homeowners themselves have the obligation to report and disclose their information to the according regional broadcasting corporation (see Question 11 for more information.) Although a broadcasting corporation can also demand information about tenants from landlords, they are only allowed to do so if they can prove that they do not have another option to determine who the homeowner of a residence is.

### **10. What happens if I had already been paying the contribution fee?**

It is assumed that everyone who had been paying the broadcasting contribution fee will also continue to pay such in the future. The conversion into the broadcasting contribution fee will therefore proceed automatically, as long as no other details are made.

In the cases, where there is more than one contributor within a shared living group (= 1 x Obligation to Pay Contribution Fee,) you should not rely on the ARD ZDF German Radio Broadcasting Contribution Service to contact you and correct this. Instead, you must presumably take it upon yourself to do so.

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

Every occupant is required to register his/herself at the according regional broadcasting corporation and inform the corporation of any changes in his/her own data. This is, however, not the case in shared apartments if one of the roommates is registered and pays the contribution fee. Moreover, the according regional broadcasting corporation can request each debtor for further information about his/her data.

### **12. May I "duck", or avoid paying the fee, and what happens if I do not pay?**

With the household reception fee, it is very difficult for people to avoid paying the fee. In the past, one was able to avoid paying the fee relatively easily because the GEZ had to prove that devices subject to charges were present. Now, one has to prove that it is impossible for them to receive broadcasting service reception – if one cannot prove this, then the fee will be charged, unless one is exempted.

Warning! Those who deliberately or negligently avoid paying the fee can be considered as committing an administrative offence and could be ordered to pay a fine as punishment.

### **13. Can the broadcasting company demand access to apartments?**

No, they were not allowed to demand access in the past and also will not be able to do so in the future. Entering an apartment is also not necessary anymore, since the fee is due independent of the amount of devices in the apartment or whether any such devices are even present.

### **14. Where can I obtain further information?**

Further information can be found on the internet at [www.rundfunkbeitrag.de](http://www.rundfunkbeitrag.de). There you will also find the registration form for the exemption from the broadcasting contribution fee.