

PUBLIC BROADCASTING LICENSE FEE - Information for tenants -

Frequently asked questions (FAQs)

As at January 2017

Since January 1, 2013, the public broadcasting license fee (Rundfunkbeitrag) exists. It replaces the previous device-related license fee (GEZ) - that is why the former Gebühreneinzugszentrale (TV license fee collecting agency) was renamed "ARD ZDF Deutschlandradio Beitragsservice".

A flat fee is calculated for each residence, so that in general every household has to pay a monthly fee of 17.50 EUR, irrespective of whether devices are actually available and used in the household. This fee covers all types of usage, including the radio in the car. The fee must be paid for three months respectively.

To make handling of the broadcasting license fee easier, we will answer the most important questions from student's perspective in the following (even if it is impossible to cover all the constellations possible):

WHO HAS TO PAY?

The occupant of the residence owes the contribution, i.e. any adult person, who actually lives there, regardless of his or her nationality. As problems of delimitation are inevitable, in general any tenant as well as anybody registered at the residence is considered the occupant of the residence.

If several occupants are available - e.g. in case of shared flats or residential groups - they are jointly and severally liable. That means that in principle any tenant can be held liable for payment and is bound to pay the full fee; the tenants among each other then have an obligation to pay compensation. The other way that means: The more tenants live together in a shared house, the less is the share every person living in the flat needs to pay.

By the way: It does not matter that all housemates have separate tenancy agreements.

WHAT IS A "RESIDENCE"?

With regard to the license fee, a residence is in general any closed edificial space that

- Is suitable or used to live and sleep there (and therefore does not need bathroom and kitchen) and
- Can be entered through a separate entrance directly from the staircase, an anteroom or from outside - i.e. not through another residential space.

DO ROOMS IN STUDENT HALLS OF RESIDENCE COUNT AS "RESIDENCES"?

That depends, because we need to distinguish:

Single apartments are regarded as separate residences, if they branch off a generally accessible hall, irrespective of whether they have a bathroom or kitchen. On principle, every tenant of a single apartment needs to pay monthly 17.50 EUR.

Exception: Recipients of BAföG funds can apply for an exemption.

Residential groups and shared flats or double apartments are usually regarded as one residence. According to the principle "One residence - one fee", only one person needs to pay the fee respectively, regardless of how many people actually live there.

You need to consider in this regard:

- One person of full age needs to be registered per shared flat, who pays the license fee. Those who live in the flat can decide who this person shall be. All other residents, who are possibly still registered, can (and should!) deregister.

- An entire shared flat may be exempt from the fee, namely if all residents meet the requirements for exemption, e.g. receive BAföG. In that case, it does not matter, who registered the flat and applied for the exemption.
- If only some of the residents meet the requirements for exemption, (only) the other residents need to pay the fee; the principle of joint and several obligation applies again. If only one person does not meet the requirements for exemption, he or she is unfortunate and has to register and pay the public broadcasting license fee for the (entire) residence on his or her own.

Several rooms on one floor, i.e. single rooms on one floor sharing kitchen and bathroom and with a floor entrance door are regarded by the Beitragsservice in general as residences liable to pay the fee. This is confirmed by the Administrative Court (Verwaltungsgericht) Hamburg in a first, though not (yet) legally binding decision. In the end, this is a decision to be made on a by-case basis.

Tip: It is worth trying to register the floor as one residence. However, you should not rely on that and put the 17.50 EUR aside every month as a precaution, until the Beitragsservice definitely acknowledges the respective floor as one residence.

Rule of thumb:

If the rooms of a student hall of residence are designed so that they are *similar* to a private apartment or shared flat, only one fee must be paid respectively!

CAN YOU BE EXEMPTED FROM THE OBLIGATION TO PAY THE LICENSE FEE?

Yes! Anyone receiving social benefits - in particular BAföG funds - can apply for an exemption from the obligation to pay the fee.

The exemption applies also to spouses and officially registered civil unions. If unmarried couples live together, one of whom only is exempt from the obligation to pay the license the other partner will be requested to pay the broadcasting license fee.

Note: The possibilities of exemption and reduction are listed in § 4 of the Interstate Broadcasting and Telemedia Agreement (RBStV - Rundfunkbeitragsstaatsvertrag). In rare exceptional cases, you can be exempted in so-called cases of hardship. This concerns especially persons who are not eligible to BAföG, because they exceed the income limit, though by less than 17.50 EUR.

HOW CAN I GET EXEMPTED FROM THE OBLIGATION TO PAY THE LICENSE FEE?

You have to apply for the exemption in writing. An online form is available for this purpose at www.rundfunkbeitrag.de, guiding you step-by-step through the application. At the end of the input process, print out the form and sign it, then send it by mail to ARD ZDF Deutschlandradio Beitragsservice, 50656 Köln, attaching the required evidence, e.g. the current BAföG notice by the BAföG office. If you live in a shared residence, you need to communicate the names of all cohabitants.

CAN YOU APPLY FOR THE EXEMPTION/REDUCTION RETROACTIVELY?

Yes, the exemption/reduction of the broadcasting license fee for students is possible retroactively for up to three years. If students provide evidence that the requirements for exemption or reduction, e.g. because they received BAföG benefits, were available prior to the application, exemption or reduction is possible retroactively for up to three years from the application (for exemption).

ARE YOU EXEMPTED, IF THE STUDENT ACCOMMODATION IS ONLY THE SECOND HOME?

No, the fee is paid per residence and not per person. If you have several residences, you pay several times on principle.

ARE FOREIGN STUDENTS EXEMPT?

On principle, there is no general exemption for foreign students, including scholarship holders or students in exchange programs (e.g. Erasmus).

Students from non-EU states have the possibility to be exempted from the license fee. Because such an exemption is possible only on the basis of social need, similar to German citizens, this is excluded automatically by the evidence of financial support (German Residence Act - AufenthG) to be provided by students from non-EU states.

Students from EU countries can be exempted from the obligation to pay the license fee though, if they receive student state funding at their home country, because they are in financial need. As the Interstate Broadcasting and Telemedia Agreement does not explicitly provide for this exemption option for students from EU countries, you need to apply for the exemption as a **special case of hardship**.

At first, you need to file an application in a case of hardship for exemption from the license fee with the Beitragsservice at <http://www.rundfunkbeitrag.de/>. Then you need to prove that you receive public financial support for your studies at your home country. For this purpose, Beitragsservice developed a form (German/English) to be obtained exclusively from Beitragsservice. EU students need to have confirmed by an authority at their home country that they receive grants because of their financial need.

WHO PAYS THE FEE IN SHARED FLATS AND WHAT DOES “JOINTLY AND SEVERALLY LIABLE” MEAN?

The residents of shared flats (liable to pay the fee) are so-called jointly and severally liable debtors. That means that the broadcasting license fee can be required - though only once, but nevertheless completely - by any resident. Whoever draws the short straw, may ask the other flat mates to pay their shares, but may have to chase up the money and not get it at all if the worst comes to the worst. It becomes more complicated, if some of the residents are exempt from the obligation to pay the fee, e.g. because they receive BAföG financing aid; they cannot be held liable to pay their shares.

Example: A flat is shared by four adult students, one of whom receives BAföG benefits. In that case, three persons liable to pay the fee are available in the flat. One of these three is required to pay the entire fee. This person can ask only the other two flat mates, who are liable to pay the fee, for 5.83 EUR (one third of 17.50 EUR) respectively, because the person getting BAföG is excluded, because he or she does not need to pay because of the exemption anyway.

MAY THE RESIDENTS OF A SHARED FLAT DECIDE FOR THEMSELVES, WHO IS TO PAY THE FEE?

Yes! However, if the residents do not decide on this, the Beitragsservice chooses a person in the end.

Note: By the way, the trick of simply naming a BAföG recipient does not work, so that no one needs to pay the fee in the end because of the exemption. You have to name persons who are liable to pay the fee.

CAN THE PROPRIETOR - I.E. STUDENTENWERK - ASSUME THE LICENSE FEE AND PASS THE FEE PROPORTIONATELY TO THE RENT OR THE OPERATING COSTS?

No! That is impossible under tenancy law.

HOW DO THE BROADCASTING COMPANIES AND THE FEE COLLECTION OFFICE GET THE TENANT DATA?

By the registration authorities, who forward the data of all persons of full age to the regional public broadcasting agency respectively in charge for the acquisition of existing and initial data. Such data include name, date of birth, marital status, and current and last address as well as the day you moved into the apartment. Furthermore, the owners of the residence themselves have duties of disclosure towards the regional public broadcasting agency respectively in charge.

By the way: The proprietor may be requested to provide information on tenants. However, this is possible only, if there is evidently no other way of determining, who lives in a specific flat, and that should be rather unlikely.

WHAT OBLIGATION TO PROVIDE INFORMATION DO I HAVE MYSELF?

Every resident of a flat must register independently and communicate changes of his or her own data. You can do that online at www.rundfunkbeitrag.de.

Exception: This does not apply to shared flats, if another flat mate is already registered and pays the fee.

CAN I AVOID PAYMENT AND WHAT HAPPENS IF I DO NOT PAY THE FEE?

It has become hard for TV license dodgers to avoid payment. It used to be relatively easy to avoid paying the fee, because the former GEZ had to prove that broadcasting devices subject to fees were available. Now you have to prove yourself that there is not even the *possibility* of receiving the public broadcasting service - and this again is almost impossible, so that you have to pay the license fee, if you are not exempt.

Attention! Willful or negligent non-payment is regarded a regulatory offence and subject to a fine.

CAN EMPLOYEES OF THE BEITRAGSSERVICE OR THE PUBLIC BROADCASTING AGENCIES DEMAND ACCESS TO APARTMENTS?

No, they were and are never allowed to! It is not necessary to access apartments anyway, because the fee is obtained irrespective of whether and how many devices are available. Therefore, personal checks are not required.

WHERE DO I GET FURTHER INFORMATION?

...best directly from ADR ZDF Deutschlandradio Beitragsservice, either on the internet at www.rundfunkbeitrag.de or on weekdays from 7 a.m. to 7 p.m. by calling the fee-based hotline at 01806 999 555 10.