

CONTRIBUTION REGARDING BROADCAST SERVICES

-Information for Tenants -

Frequently Asked Questions (FAQs) As of January 2017

Since 1 January 2013, there has been a contribution regarding broadcast services. This replaces the former broadcast fees; the former *Gebühreneinzugszentrale* (Fee Collection Center) has been renamed to *ARD ZDF Deutschlandradio Beitragsservice* (ARD ZDF German Broadcast Contribution Services).

A flat-rate contribution is charged to every apartment so that, in principle, every household has to pay €17.50 monthly - and this is irrespective of whether any devices in a household are available and/or used. This law ensures that all types of use are covered, including car radio. The fee must be submitted in three-month payments.

To facilitate the handling of the broadcast services contribution, the most important questions from a student's perspective are answered here (even if it is not possible, of course, for all situations to be represented):

WHO MUST PAY?

The apartment dweller(s) is (are) liable for the contribution. This shall include every adult person who actually resides there, irrespective of nationality. Since it is inevitable that difficulties in distinguishing might exist, it is strictly regarded that each lessee and all individuals who are registered as tenants are determined to be dwellers in the apartment.

As there are – in the event of shared apartments or residential communities - several tenants, each tenant is jointly and severally liable. This means that, in principle, each and every one of the tenants may be utilized for the payment and must pay the full amount; among each other there is an obligation to pay compensation.

In other words, the more liable inhabitants living in a residential community together, the less the sum to be paid is by each and every individual (on a pro rata basis).

Note: It does not matter if all roommates and/or fellow residents have their own lease.

WHAT IS AN "APARTMENT"?

In principle, an apartment is defined in the strict legal sense as any structurally enclosed space unit that is

- suitable for living or sleeping or is used (bathroom and kitchen are not requirements) and
- is accessible via a staircase, an entrance hall, or from the outside by way of private entrance – not via another living space

ARE APARTMENTS IN STUDENT DORMITORIES TO BE CONSIDERED “APARTMENTS” WHEN MAKING PAYMENT?

That depends. The following is to be distinguished:

Single apartments are considered individual housing when their way of access departs from a publically accessible corridor, regardless of whether they have a private bathroom or kitchen. Here, every single tenant must pay €17.50 monthly.

Exception: Recipients of federal financial aid have the possibility to exempt themselves from the responsibility of paying.

Group homes and residential communities or double apartments are usually recognized in each case as an apartment. According to the principle "One apartment, one contribution", only one person must pay, no matter how many people live there.

It is hereby stated that:

- For each shared apartment, an adult person must be registered and must pay the contribution. The residential community itself may decide by itself who that person should be. All other inhabitants who are possibly still registered, you can (and should!) deregister.
- It may also be the case that an entire residential community happens to be exempt. Namely, this may occur when all inhabitants are qualified for federal financial aid exemption (*Bafög*, in the case of Germans). In this event, it does not matter who registers under the apartment and deals with the application for exemption.
- In the case that only some tenants meet the conditions for exemption must, then only the other tenants must pay the contribution; the principle of joint and several liability again applies. In the instance, for example, that only one person does not meet the exemption, he or she is unfortunately unlucky in this event and must register and pay the broadcasting contribution for the (complete) apartment.

Rooms as part of a “corridor community” (*Flurgemeinschaft*) i.e., single apartments with a shared kitchen, shared bathroom(s) and a floor access door are generally deemed by the Fee Collection Center as a contributory apartment. The Administrative Court (*Hamburger Verwaltungsgericht*) is responsible for the initial (but not the final, legally binding) judgement on this. Ultimately, however, it can depend on the individual case...

Rule of Thumb:

Rooms of a student dormitory are designed so that when they resemble a private or shared apartment, only one contribution is required to be paid!

CAN I BE EXEMPTED FROM THE CONTRIBUTION?

Yes! People eligible for social services - in particular, federal financial aid (*BAföG*, in the case of Germans) - may be exempted from the duty to pay upon the submission of an application. The exemption shall also be for spouses and officially registered civil partners; in the case of unmarried couples living together, when only one person is exempt from the obligation to contribute, the other person is asked by the Fee Collection Center to submit payment.

Note: The exemption and reduction options are listed exhaustively in §4 of the Broadcast Services Treaty (*RBSStV*). In some rare instances, you may also be exempted in the event of a so-called “hardship case”. This applies in particular to those who do not receive federal financial aid because they exceed the demand limit, though only by less than €17.50.

HOW CAN I EXEMPT MYSELF FROM THE CONTRIBUTION REQUIREMENT?

The application for exemption must be made in writing. An online form is available at www.rundfunkbeitrag.de that guides you step-by-step through the application. At the end of entry, the form must be printed and signed, and the required proof must be included (e.g., a up-to-date letter from the federal financial aid office (*BAföG*) stating that you are receiving aid) by post to “ARD ZDF Deutschlandradio Beitragsservice, 50656 Köln”. For anyone who lives in a residential community, the names of all roommates and housemates must be included.

CAN I APPLY FOR EXEMPTION/REDUCTION FOR A PERIOD THAT LIES IN THE PAST?

Yes, an exemption or reduction for students is possible even for as far back as three years. If students present proof that qualifiable conditions (e.g., financial aid eligibility) exist prior to an application being completed, then the exemption or reduction may be granted retroactively as far back as three years from the application date.

CAN I EXEMPT MYSELF WHEN MY ROOM AT THE STUDENT APARTMENTS IS MERELY A SECONDARY RESIDENCE OF MINE?

No, the contribution is paid per apartment and not per person. Therefore, in principle, you must pay several times if you have several apartments.

ARE INTERNATIONAL STUDENTS EXEMPT?

In principle, there is no general exemption for foreign students, nor so for recipients of other forms of financial aid or students in exchange programmes (e.g., Erasmus).

For **students from non-EU countries**, there is no possibility for exemption. Because such an exemption would be permissible solely on the basis of social need – as is the case with German citizens – this would automatically contradict the requirement under German residence regulations (*Aufenthaltsgesetz*) that all non-EU students provide proof of financing their studies.

But **students from EU countries** can be exempted from the fees when they receive a government-sponsored study grant from their home country due to financial need. Because this possibility has not been explicitly stated in the Broadcast Services Treaty, a special hardship (**besonderer Härtefall**) request must be made in this case. Thus, as a first step, a special hardship request must be filed with the Broadcast Contribution Service (<http://www.rundfunkbeitrag.de/>). Then, receipt of a government-sponsored study grant from the home country must be proven. To do this, the Broadcast Contribution Service has created a form (available in English) that can be obtained only from their office. EU students must then receive proof on this form from their home country's government agency that they receive aid due to financial need.

WHO MUST PAY IN RESIDENTIAL COMMUNITIES, AND WHAT DOES "JOINTLY AND SEVERALLY LIABLE" MEAN?

The liable residents of residential communities are considered "jointly and severally" liable. This means that the broadcast contribution may be required - though only once, nevertheless completely - by any resident. Whoever "draws the unlucky card" and is thus forced to pay may then ask the other housemates for their share. However, this person must be "chasing" the money and, in the worst case, pay for what is missing. It becomes more complicated when a floormate is exempt (e.g., by way of federal financial aid) from the obligation to contribute and thus cannot be relied upon.

Example: Consider a residential community consisting of four adult students, one of whom receives some type of federal financial aid (*BAföG*). In this case there are three contributory people in the apartment. Of these three, one will be decided upon to pay the contribution – the full amount. Now this same individual can demand €5,83 (one third of €17.50) from the other two contributory residential community members - but only from these two, as the federal financial aid (*BAföG*) recipient is exempt anyway.

MAY SHARED FLATS DECIDE WHO PAYS THE CONTRIBUTION?

Yes! However, if no one in the flat is found, a Fee Collection Center representative may choose.

Note: It does not work in the "trick" way that a residential community just designates a federal financial aid (*BAföG*) recipient with the thought that no one will need to pay. The chosen person must be one who is bound to contribute.

CAN THE PROPRIETOR - THE STUDENT HOUSING OFFICE (STUDENTENWERK) – ASSUME THE BROADCAST CONTRIBUTION AND SPLIT THIS PROPORTIONATE OVER THE RENT OR THE OPERATING COSTS?

No! That is not possible within rental law.

HOW DO THE BROADCASTING SERVICE ORGANIZATIONS AND THE COLLECTION CENTER CONTRIBUTION HAVE INFORMATION REGARDING THE TENANTS?

Via the registration authorities, as they provide inventory and initial recording of data of all persons of legal age to the appropriate national broadcasting organizations. These data include name, date of birth, marital status, current and last address, and the day you move into the apartment. In addition, the apartment owners themselves have the access and duty to notify the relevant national broadcasters.

Note: Indeed the landlord may also be required to provide information concerning the tenants. However, this applies only when it is evidenced that there no other way to determine who lives in a specific apartment, which is likely to be extremely rare.

WHAT INFORMATION AM I OBLIGATED TO PROVIDE?

Each apartment holder must register independently and communicate changes to his or her own data. This can be done via www.rundfunkbeitrag.de.

Exception: This does not apply to residential communities in which another roommate or flatmate is already registered and has paid the premium.

CAN I APPLY PRESSURE, ARGUING THAT I SHOULD NOT PAY? WHAT HAPPENS IF I DO NOT PAY?

Alarmists can hardly be effective prior to payment. It used to be relatively easy to find one's way around paying fees because the former Fee Collection Center had to prove that chargeable forms of broadcast (computer, TV, radio, etc.) were present, but one must now prove that not he or she does not even have the opportunity to receive broadcast. In turn, this is almost impossible; the fees must be paid if you are not already exempt (via BAföG, for example).

Warning! Willful or negligent non-contribution is considered a regulatory offense and can be punishable by a fine.

CAN EMPLOYEES OF THE FEE COLLECTION CENTER OR THE BROADCASTING ORGANIZATIONS DEMAND ACCESS TO APARTMENTS?

No, they were never allowed to and must not! Entry into private living spaces is not necessary anyway, as the contribution is indeed applicable regardless of whether or how many devices are available; no checks are required.

WHERE CAN I GET MORE INFORMATION?

Directly from the ARD ZDF German Broadcast Contribution Services (*ARD ZDF Deutschlandradio Beitragsservice*) either via www.rundfunkbeitrag.de or by calling their pay hotline on weekdays from 7:00 a.m. – 7:00 p.m. at 01806 999 555 10.