[DE] Broadcasting Fee for New Devices Enters Into Force

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On 19 October 2006, the Minister-Presidents of the *Länder* decided that, from 1 January 2007, new types of broadcasting receivers (such as Internet PCs) should no longer be exempt from the licence fee, as provided in the *7. Rundfunkänderungsstaatsvertrag* (7th Amendment to the Inter-State Broadcasting Agreement) of 2003 (see IRIS 2006-9: 8). However, for such modern multi-functional devices which can (also) be used to receive broadcast programmes, the so-called "second device rule" will apply. This means that no fee is due if the owner already pays the charge for another device. The exact circumstances in which this exemption will apply are highly complex, in view of the diversity of devices that may be used in private households, by self-employed individuals and by companies. However, the Minister-Presidents adopted the proposal put forward by the public service broadcasters that only the basic fee, which currently stands at EUR 5.52, should apply to these new devices; this is because the surcharge for television receivers seemed inappropriate, since no comprehensive television service is currently available via the new media.

This decision brings to an end a moratorium which was created back in 2000 through Art. 5a of the *RGebStV* in the version of the *4. Rundfunkänderungsstaatsvertrag* (4th Amendment to the Inter-State Broadcasting Agreement) and subsequently extended. The new rule has been heavily criticised by the business world in particular and is the subject of a complaint lodged with the *Bundesverfassungsgericht* (Federal Constitutional Court).

The recent heated debate on whether the licence fee should apply to new types of receiving device has also led the Minister-Presidents to ask the Broadcasting Commission of the *Länder* to examine whether the fee could be made dependent on criteria other than ownership of a receiving device; a charge levied on each household or person is one idea under discussion.

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