

(In force)

Printed: 30 December 2014

Ministry: Danish Ministry of Culture

Amendments

File number: Danish Ministry of Culture, file no. 2014-013928

None

Executive Order on Media Licence Fees

The following provisions are laid down pursuant to section 69(2) and (3), section 69 a(2) and (3), section 69 b(4) and section 70 of the Danish Radio and Television Broadcasting Act, cf. Consolidated Act No. 255 of 20 March 2014 as amended by Act No. 1517 of 27 December 2014 and according to negotiations with the Minister for Children, Gender Equality, Integration and Social Affairs and with the consent of the Parliamentary Finance Committee:

Part 1

Media licence fee amounts etc.

1.-(1) Pursuant to section 69(1) of the Danish Radio and Television Broadcasting Act, a media licence fee is payable for devices capable of receiving and reproducing television programmes or services broadcast to the public. The media licence fee is collected by the Danish Broadcasting Corporation (DR), DR Licens.

(2) Devices capable of receiving and reproducing television programmes or services broadcast to the public are defined as

- i) television receivers or other kinds of projectors;
- ii) computers, mobile telephones, tablets or other units capable of receiving and reproducing television programmes or services, provided that such unit has access to the Internet or
- iii) computers with receiver units capable of receiving and reproducing television programmes and services via radio waves (TV tuners).

2.-(1) In 2015 the media licence fee is a biannual DKK 1,230.00 inclusive of VAT, corresponding to a monthly DKK 205.00 inclusive of VAT.

(2) The reminder fee for biannual as well as monthly payments is DKK 100.00.

(3) The media licence fee will be charged and payable for six-month periods in advance, unless otherwise agreed, cf. section 16(2) below.

(4) The media licence fee is subject to adjustment once annually on 1 January. Where licence fee collections relate to months for which no licence fee has been fixed, cf. subsection (1) above, the media licence fee is payable with an amount which is the monthly pro-rata equivalent of the fee rates applicable the previous year. When the licence fee for the year in question has been fixed, DR Licens will make a subsequent adjustment.

Liability to pay

3.-(1) The liability to pay rests with the owner/user irrespective of whether the device is owned, rented or borrowed. If the user is different from the owner, the liability to pay rests with the user.

(2) The liability to pay arises irrespective of the specific use of the device, including what channel, website or service the owner/user of the device chooses.

(3) The liability to pay arises irrespective of the form of distribution, aerial conditions or server capacity of programme or service providers.

(4) The liability to pay arises on the day following the acquisition/first use of the device.

4. The liability to pay lapses on the day after the possession of the device ends and written notice of deregistration has been received by DR Licens, cf. section 14 below. If the licence holder registers again after less than three months, the licence fee will also be payable for the intervening period.

Part 2

Media licence fee coverage etc.

5.-(1) The media licence fee is payable by households possessing devices that are subject to the licence fee, cf. section 1 above.

(2) For the purposes of this Executive Order, a household comprises the licence fee payer, his/her cohabitating spouse or partner and their resident children regardless of their age, provided that they are registered with the National Registration Office at the same address.

(3) A household, cf. subsection (2) above, also comprises the licence fee payer's spouse or partner who is registered with the National Registration Office at a sheltered residence or the like established pursuant to sections 107 and 108 as well as section 192 of the Danish Social Services Act.

(4) Residents at homes for senior citizens or disabled people pursuant to the Danish Social Housing etc. Act and residents of student residence halls and the like must pay a separate licence fee when they have one or more devices in their own home.

(5) Households where all residents are under the age of 18 are exempt from the media licence fee regardless of whether they possess devices subject to the licence fee.

6.-(1) The media licence fee is payable by households for the possession of devices that are subject to the licence fee in:

- i) homes;
- ii) holiday cottages;
- iii) cars and
- iv) boats.

(2) In addition, the media licence fee covers the possession of devices brought outside the home, cf. subsection (1) above, unless the user of the device is registered with the National Registration Office at another address and has reached the age of 18.

7. Residents at a sheltered residence or the like established pursuant to sections 107 and 108 as well as section 192 of the Danish Social Services Act pay a media licence fee for devices in the resident's own home if they are registered with the National Registration Office at the sheltered residence etc. and have reached the age of 18, cf. section 6(2) above.

Media licence fee reductions and exemptions

8.-(1) Devices, cf. section 1 above, at premises of businesses, institutions, associations etc. are not subject to the licence fee. The media licence fee, cf. section 2(1) above, is payable for devices at premises that are also used by a household.

(2) Devices as described in section 1(2)(ii) and (iii) above made available by the employer for use outside the workplace are not subject to the licence fee if such devices are exclusively used by the employee for work-related purposes. DR may demand documentation of the above from the household and from the employer.

9. Devices covered by section 1(2)(ii) and (iii) above made available by businesses, institutions, associations etc. in guest residence facilities and the like which are made available free of charge in connection with temporary residence are not subject to the licence fee, unless the owner/user of a device subject to the licence fee is registered with the National Registration Office at such address. DR Licens may demand documentation of the above from the business, institution, association etc.

10.-(1) Upon application to DR Licens, pensioners are entitled to a 50 percent reduction of the media licence fee if the pensioner has a personal allowance rate of 100, cf. section 31(3) of the Danish Social Pensions Act or section 29(3) of the Danish Act on the Maximum, Medium, Higher Ordinary and Ordinary Disability Pension etc.

(2) A reduction pursuant to subsection (1) above is effective from the time when the conditions are met, but not earlier than from the time DR Licens has received the application.

(3) The reduction lapses if the condition stipulated in subsection (1) above is no longer met. The pensioner is obliged to notify DR Licens in such case.

(4) An application form for a reduction of the media licence fee may be obtained from the applicant's municipality as well as on www.dr.dk/licens.

11.-(1) Upon application to DR Licens, blind and visually impaired persons are entitled to an exemption from the media licence fee if they live alone or in households exclusively with other blind or visually impaired persons and/or resident children regardless of their age. Blind and visually impaired persons mean persons who are members of the Danish Association of the Blind or meet the conditions for membership of the Danish Association of the Blind.

(2) An exemption pursuant to subsection (1) above is effective from the time when the conditions are met, but not earlier than from the time DR Licens has received the application.

(3) Blind or visually impaired persons exempt from the media licence fee pursuant to provisions previously applicable which have now been repealed will continue to be exempt from the media licence fee, cf. subsection (1) above.

(4) Residents at a sheltered residence established pursuant to sections 109 and 110 of the Danish Social Services Act are exempt from the media licence fee if they have devices subject to the licence fee.

12.-(1) Nationals of diplomatic and consular representations are exempt from the media licence fee. Other foreign nationals attached to international organisations with which a host agreement with Denmark has been concluded are also exempt from the licence fee.

(2) It is a condition for exemption pursuant to subsection (1) above that the foreign national concerned is not registered with the National Registration Office/Central Office of Civil Registration.

(3) DR Licens may demand documentation of nationality and employment.

Registration and deregistration

13.-(1) The owner/user of a device must provide the following information to DR Licens within 14 days after the acquisition/first use of a device subject to the licence fee, unless such user/owner already pays the media licence fee:

- i) full name;
- ii) civil registration number;
- iii) address and collection address, if applicable, and
- iv) date of acquisition/first use.

(2) Upon registration the media licence fee for the remainder of the licence fee period may be adjusted separately or in connection with the next ordinary due date.

(3) Where registration has not taken place in due time, the additional payment will be calculated at the licence fee rates applicable at the time when the liability to pay the licence fee is ascertained. DR Licens may disregard such additional payment in the event of a short delay in registration.

(4) Licence fee underpayments not exceeding DKK 50 are not collected.

14.-(1) Deregistration, cf. section 4 above, must take place in writing to DR Licens. Deregistration takes effect from the day on which DR Licens receives the notice of deregistration at the earliest.

(2) Upon deregistration, any overpaid media licence fee will be refunded. However, amounts of less than DKK 50 are not refunded.

15. Registration and deregistration may also take place via the Internet on the address www.dr.dk/licens. Media licence forms for registration and deregistration are also available at DR Licens, DR Byen, Emil Holms Kanal 20, DK-0999 Copenhagen C, tel. +45 70 20 13 13.

16.-(1) If the liability to pay the media licence fee arises sometime during a month, a pro-rata share of the media licence fee stipulated in section 2(1) above is payable.

(2) In connection with the registration, or subsequently, licence fee payers may choose the month in which their media licence fee falls due. Licence fee payers may also in connection with registration, or

subsequently, choose to change the payment period so that the media licence fee is instead paid monthly in advance with the amount mentioned in section 2 above, but see section 18(2) below. The payment period cannot be changed earlier than with effect from the end of the current payment period.

(3) Unless the licence fee payer chooses a different month of payment, cf. subsection (2), first sentence, this month will be fixed based on the registration date. Unless the licence fee payer chooses another payment period, cf. subsection (2), second sentence, this will be fixed as biannual, cf. section 2(3) above.

Part 3

Due dates

17. The media licence fee falls due for payment prior to a payment period on the first banking day of the next payment period. The media licence fee is payable no later than on the first banking day of the next payment period.

18.-(1) Post Danmark's stamp on the paying-in form or a receipt from a bank constitutes a valid receipt. Where electronic payment, e.g. via online banking, and paying-in form or payment service systems are used, the amount must be debited from the account no later than on the first banking day of the next payment period.

(2) Monthly payment, cf. section 16(2), second sentence, is only possible through an authorised payment service. Until the authorised payment service is activated, the monthly payments may be made via paying-in forms. If the licence fee payer does not register the media licence fee with a payment service, the licence fee will be charged biannually. The fee for using the payment service according to the first sentence hereof is paid by the licence fee payer and invoiced by DR Licens as the actual expenses of charging the licence fee monthly.

19.-(1) If the media licence fee is not paid within three weeks of the due date, a reminder will be issued for the amount of the media licence fee and a reminder fee, cf. section 2 above. DR Licens may repeat this reminder procedure or choose immediately to hand over collection of the outstanding amount as specified in section 20 below. For licence holders who pay monthly, DR Licens may instead of sending out reminders choose to change the licence holder's payment period to biannual payment.

(2) Interest accrues on media licence fees as well as on reminder fees and other outstanding amounts from the due date, cf. section 69 a(2) of the Danish Radio and Television Broadcasting Act.

20.-(1) In the event that the media licence fee, interest accrued, the reminder fee and other outstanding amounts remain unpaid in full, DR Licens may hand over collection of the outstanding amounts to the Danish tax authorities.

(2) Furthermore, DR Licens may recover the claim through the courts, cf. parts 45-47 of the Danish Administration of Justice Act and the Danish Tax Collection Act.

(3) DR Licens may disclose information to credit rating agencies about licence fee payers who have outstanding debt to DR Licens when their liability appears from a court order, or the liability has been entered in the bailiff's register or the like, possibly in connection with a statement of insolvency or the debtor's written acknowledgement of the debt.

(4) The costs associated with collecting the debt through the courts and collection by the Danish tax authorities are payable by the debtor.

21.-(1) DR Licens may grant an extension on the time for payment upon request. Interest accrues from the due date until payment is made, cf. section 19(2) above.

(2) DR Licens may, in full or in part, write off or cancel media licence fees, accrued interest, reminder fees and other outstanding amounts due pursuant to rules similar to those used for cancellation of other debt to public authorities.

Part 4

Duty of disclosure, penalty provisions, licence inspectors etc.

22. In connection with the collection of licence fees, DR may exercise licence control through telephone enquiries, visits to households etc.

23. If the registration duty pursuant to section 13 is not observed, DR Licens may charge a penalty fee. The amount of such fee corresponds to the evaded licence fee, but minimum DKK 500.

24.-(1) DR Licens may conclude agreements with public authorities about automated correlation with external databases in order to ensure that pensioners continue to meet the condition stipulated in section 9(1) above.

(2) Correlation of databases pursuant to subsection (1) above must be notified to the Danish Data Protection Agency.

(3) Correlation, cf. subsection (1) above, must take place pursuant to the rules of the Danish Processing of Personal Data Act.

25. Persistent or serious cases of failure to observe the duty to report possession in accordance with section 13 above is punishable by a fine pursuant to section 93 of the Danish Radio and Television Broadcasting Act.

26.-(1) In connection with control as mentioned in section 22 above, licence inspectors employed by DR may register a household as liable to pay the licence fee if they find that the household owns or uses a device subject to the licence fee.

(2) The right of licence inspectors pursuant to subsection (1) above to look up selected households extends only to the door of the household. The licence inspectors cannot cross the doorstep or come inside. The licence inspector is entitled to enter a communal area, such as a corridor in a student residence hall or a common stairway in a property with several flats/rooms, with a view to visiting selected households.

(3) The liability to pay the licence fee, cf. subsection (1) above, may be ascertained by the licence inspector observing devices subject to the licence fee in the household, including if the inspector observes a device through windows visible from the publicly accessible access road to the household or from the entrance door to the property. In addition, the existence of a device subject to the licence fee may be ascertained by the licence inspector hearing from the entrance door to the property the clear sounds of a programme, the content and time of broadcast of which can subsequently be verified.

(4) The licence inspector is obliged to inform a person of full legal capacity belonging to the household of his findings pursuant to subsection (3) above. If such information cannot be given, subsection (7) applies.

(5) If the household proves to DR that the household is not the owner or user of a device subject to the licence fee, the household cannot be registered as liable to pay the licence fee pursuant to subsection (1) above.

(6) Documentation pursuant to subsection (5) above may be in the form of written statements from e.g. the owner/user, recipient of a gift or lenders of a device subject to the licence fee. Such statements must as a minimum contain information to the effect that the household visited no longer has the device in its possession or that the device is not subject to the licence fee, cf. section 1 above, the latter meaning a computer without Internet or other network access, a device with a digital MPEG2 receiver/tuner or an analogue receiver/tuner that is not connected to a digital set-top box, community antenna system or the like. Documentation pursuant to the first sentence hereof must be received by DR Licens no later than 14 days after the licence inspector's visit.

(7) In so far as possible the licence inspector must, in connection with the visit, provide the household with a written statement to the effect that a liability to pay the licence fee has been ascertained. If circumstances in connection with the visit prevent this, cf. subsection (4) above, such statement may subsequently be mailed to the household. The written statement, cf. the first sentence hereof, must include a description of the licence holder's possibility of submitting documentation of his or her not being in possession of any devices subject to the licence fee. The written statement may be accompanied by pre-printed statements on which the licence holder may present his or her documentation pursuant to subsection (6) above.

27. DR's decisions in pursuance of this Executive Order cannot be brought before any other administrative authority.

Part 5

Commencement and transitional provisions

28.-(1) This Executive Order enters into force on 1 January 2015.

(2) At the same time Executive Order No. 812 of 24 June 2013 on Media Licence Fees is repealed.

29. The amounts of media licence fees, cf. section 2(1) above, have been fixed by the Danish Minister for Culture with the consent of the Parliamentary Finance Committee, cf. Document No. 131 of 28 August 2014.

Danish Ministry of Culture, 27 December 2014

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