

Executive Order on Licence Fees

The following provisions are laid down pursuant to section 69(3)-(5), section 69 a(2) and (3), section 69 b(4) and section 70(1) and (2) of the Radio and Television Broadcasting Act; cf. Consolidated Act No. 477 of 6 May 2010 as amended by Act No. 1360 of 8 December 2010.

Part I

Licence fee amounts, etc.

1.-(1) Pursuant to section 69 of the Radio and Television Broadcasting Act, a media licence fee shall be payable for devices capable of receiving and reproducing television programmes or services broadcast to the public, and a radio licence fee shall be payable for devices only capable of receiving and reproducing radio programmes broadcast to the public. Hereinafter, radio licence fees and media licence fees are jointly called licence fees. Licence fees are collected by the Danish Broadcasting Corporation (DR), DR Licens.

(2) Devices capable of receiving and reproducing television programmes or services broadcast to the public shall mean

- (i) TV sets or similar projectors;
- (ii) PCs or similar units capable of receiving and reproducing television programmes or services, provided that such unit also provides access to the Internet, or another network, at a download speed of 256 Kbit/s or more;
- (iii) PCs with receiver units capable of receiving and reproducing television programmes and services via radio waves or networks (TV tuners); or
- (iv) other units capable of wirelessly receiving and reproducing television programmes and services broadcast to the public, including PDAs and mobile telephones with Internet access.

(3) Devices only capable of receiving and reproducing radio programmes broadcast to the public shall mean devices incapable of receiving and reproducing television programmes or services, but possibly text, and whose primary function is to re-

2.-(1) Licence and reminder fees amount to:

	Including 25% VAT		Exclusive of VAT		Reminder fee
	DKK	DKK/month	DKK	DKK/month	DKK
<i>From 1 January 2011</i>					
Media licence fee for households	1.150,00	191,67	920,00	153,33	100,00
Media licence fee for households on monthly payment		191,67		153,33	100,00
Radio licence fee for households	160,00	26,67	128,00	21,34	100,00
Media licence fee for businesses, institutions, associations, etc.	907,00	75,58	725,60	60,47	100,00

ceive and reproduce radio programmes broadcast to the public.

(4) A person only having possession of a device solely capable of receiving and reproducing radio programmes broadcast to the public, cf. subsection (1) above, shall only be liable to pay radio licence fees.

(2) Media and radio licence fees shall be chargeable and payable as one payment for a six-month period in advance, unless otherwise agreed on payment of media licence fees for households; cf. section 8(3). Media licence fees for businesses, institutions, associations, etc. shall be chargeable and payable as one payment annually in advance; cf. Part 3.

(3) Where licence fee collections relate to months, cf. section 8(3) and (4), for which no licence fee has been fixed, cf. subsection (1) above, the licence fee shall be payable in an amount equivalent per month to the licence fee rates as from 1 January 2011. When the licence fee from 1 January 2012 has been fixed, DR, DR Licens, will make an adjustment.

Liability to pay

3.-(1) The liability to pay shall rest with the owner/user irrespective of whether the device is owned, rented, borrowed or installed on trial; but see section 16. If the user is different from the owner, the liability to pay shall rest with the user.

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

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

(4) The liability to pay shall arise on the date following the date on which the device was installed.

4. The liability to pay shall lapse on the date following the date on which the possession of the device ends and DR Licens has received notice of deregistration; cf. section 6(1)-(3). If the licence fee payer is reregistered after less than three months, licence fees shall also be payable for the intervening period.

Registration and deregistration

5.-(1) The owner/user of a device must within 14 days of installation inform DR Licens of his/her:

- (i) full name;
- (ii) personal identification number;
- (iii) address and any collection address;
- (iv) date of installation; and
- (v) type of device (radio receiver or devices capable of receiving and reproducing television programmes or services).

(2) Businesses, institutions, associations, etc. shall also state:

- (i) CVR number, VAT registration number or other business identification number; and
- (ii) telephone number.

(3) Where an owner/user acquires a device for which a licence fee is payable at a rate other than the rate currently paid by the owner/user, the owner/user shall reregister pursuant to the rules of

subsection (1) above.

(4) On registration, also of change of type of device, the licence fee for the remainder of the licence fee period may be separately adjusted, or the licence fee may be adjusted in connection with the next ordinary date of payment.

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

(6) Non-payment of licence fees of less than DKK 50 will not be collected.

6.–(1) When an owner/user stops possessing a device, he or she shall deregister such device; cf. section 4.

(2) When deregistering a device, the owner/user shall state whether he or she is still in possession of other devices, e.g. radio receivers.

(3) DR Licens shall receive written notice of deregistration. Deregistration shall take effect, at the earliest, from the date when DR Licens receives the notice of deregistration.

(4) On deregistration, any overpaid licence fee will be refunded. However, amounts of less than DKK 50 will not be refunded.

7. Registration and deregistration forms for licence fee payment are obtainable from DR Licens, DR Byen, P.O. Box 888, DK-0999 Copenhagen C, tel. +45 70 20 13 13. Registration and deregistration may also be made on DR's website, www.dr.dk/licens.

Part 2

Media licence fee and radio licence fee for households

8.–(1) The licence fee is payable half-yearly in advance unless otherwise agreed, cf. subsection (3), the licensee paying either:

- (i) a media licence fee that covers the household's devices pursuant to section 1(2) and (3), or
- (ii) a radio licence fee that covers the household's devices pursuant to s. 1(3).

(2) Where the liability to pay licence fees arises during a month, a pro rata share of the licence fee mentioned in section 2 shall be payable.

(3) When registering or at a later date, licence

fee payers may choose the month of payment. When registering or at a later date, licence fee payers may also choose to change the payment period under subsection (1)(i), so that the media licence fee for households is paid monthly in advance in the amount mentioned in section 2. The payment period can be changed with effect from the end of the current payment period at the earliest.

(4) Unless the licence fee payer chooses another month of payment, cf. subsection (3), first sentence, such month will be determined on the basis of the registration date. Unless the licence fee payer chooses another period of payment, cf. subsection (3), second sentence, such payment period will be six months; cf. subsection (1).

9.–(1) Licence fees shall be payable for households to cover the possession of devices that are subject to a licence fee and installed in:

- (i) dwelling(s);
- (ii) vacation home(s);
- (iii) cars; and
- (iv) boats.

(2) Moreover, the licence fee shall cover the possession of all portable devices and personal devices brought outside the home, unless the owner/user is registered with the National Registration Office at the address and has attained the age of 18.

(3) For the purposes of this Executive Order, a household shall include the licence fee payer, his/her cohabiting spouse or domestic partner and their resident children, provided that they are registered with the National Registration Office at the same address.

(4) A household, cf. subsection (3) above, shall also include the licence fee payer's spouse or domestic partner who is registered with the National Registration Office in an accommodation facility, etc. established pursuant to sections 107 and 108 as well as section 192 of the Act on Social Services.

(5) Residents in dwellings suited for old and disabled people pursuant to the Act on Social Housing, etc. as well as residents in student resident halls and the like shall pay a separate licence fee when they are in possession of a device or devices in their own dwelling.

Due dates

10. Licence fees fall due in advance of a payment period on the first banking day in the coming

payment period. Licence fees shall be paid no later than on the first banking day in the coming payment period.

11.–(1) Post Denmark's stamp on the inpayment form or a receipt from a bank shall be a valid receipt. Where electronic payment, for example via a home banking system, and inpayment forms or payment service systems, is used, the account must be debited no later than on the first banking date in the coming payment period.

(2) Monthly payments, cf. section 8(3), second sentence, can only be effected via an authorised payment service. The fee for using a payment service pursuant to the first sentence hereof is payable by the licence fee payer and is re-invoiced by DR in relation to the actual expenses of charging the licence fee monthly.

12.–(1) In the event that the licence fee has not been paid within three weeks after the final due date, DR Licens will send a reminder including the licence fee amount and a reminder fee; cf. section 2. DR Licens may repeat this reminder procedure or choose immediately to hand over collection as set out in section 13. For licence fee payers who pay monthly, DR Licens may, instead of sending out reminders, choose to change the licence fee payer's payment period to half-yearly payment.

(2) Interest shall accrue on licence fees, reminder fees and other outstanding amounts from the due date; cf. section 69 a(2) of the Radio and Television Broadcasting Act.

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

(2) Moreover, DR Licens may place the claim for legal collection; cf. Parts 45-47 of the Administration of Justice Act as well as the Tax Collection Act.

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

(4) Any costs related to legal collection and to collection by the tax authorities shall be payable by the debtor.

14.–(1) Upon request, DR Licens may grant private individuals an extension of the time for payment. Interest accrues from the due date until payment is made; cf. section 12(2).

(2) DR Licens may, in full or in part, write off or release a licence fee payer from any licence fee, accrued interest, reminder fees and other outstanding amounts pursuant to rules similar to those used for cancellation of other debt to public authorities.

Part 3

Media licence fee for businesses, institutions, associations, etc.

15.–(1) Businesses, institutions, associations, etc. shall pay a media licence fee for businesses, institutions, associations, etc.; cf. section 2(1). Such licence fee shall be payable for devices that are subject to a licence fee in both private and public businesses, institutions, associations, etc. and installed in their premises, including communal rooms, cars and boats. Businesses, institutions, associations, etc. shall pay no radio licence fee.

(2) The media licence fee for businesses, institutions, associations, etc. shall only be payable for businesses, institutions, associations, etc. with one or more employees.

(3) The media licence fee for businesses, institutions, associations, etc. shall also be payable for devices that are subject to a licence fee and installed in, for example:

- (i) training and holiday centres;
- (ii) rental holiday homes; and
- (iii) holiday homes sold on a timeshare basis, irrespective of whether individual users pay separate licence fees; cf. section 3.

(4) A media licence fee for businesses, institutions, associations, etc. shall be payable for devices that are subject to a licence fee and installed by businesses, institutions, associations, etc. in guest dwellings and the like made available for temporary housing free of charge. DR Licens may demand evidence of such use.

(5) A media licence fee shall be payable for a device installed in premises used simultaneously by a household; cf. section 2(1).

16.–(1) The media licence fee for businesses, institutions, associations, etc. shall also cover any PCs installed in connection with a telework arrangement paid for by the employer. For other de-

vices subject to a licence fee, the media licence fee for households shall be payable; cf. section 2(1). DR Licens may require that the business, institution, association, etc. or the household provide evidence of the above matters.

(2) Telework arrangements paid for by the employer shall mean workplaces in a household which is not registered with the National Registration Office at the same address as that of the business, institution, association, etc. and where both PCs and access to the Internet, etc. are paid for by the employer, but no other devices that are subject to a licence fee and installed at the address of residence.

17.–(1) Residents in accommodation facilities, etc. established pursuant to sections 107 and 108 as well as section 192 of the Act on Social Services shall pay licence fees pursuant to the rules of Part 2 hereof for devices in the resident's own dwelling, provided that they are registered with the National Registration Office at the address of the accommodation facility, etc. and have attained the age of 18; cf. section 9(2).

(2) A media licence fee for businesses, institutions, associations, etc. shall, however, be payable for devices installed in the residents' own rooms in dwellings established pursuant to sections 109 and 110 of the Act on Social Services.

18.–(1) The media licence fee for businesses, institutions, associations, etc. shall be payable in the form of one licence fee annually in advance, such licence fee covering all devices that are subject to a licence fee and installed in the business, institution, association, etc. at the relevant address. Businesses, institutions, associations, etc. shall pay a media licence fee for businesses, institutions, associations, etc. per address.

(2) Where the liability to pay a media licence fee for businesses, institutions, associations, etc. arises during the year, a pro rata share of the licence fee shall be payable; cf. section 2(1).

19. The following devices shall be exempt from payment of media licence fees for businesses, institutions, associations, etc. and for registration in pursuance of section 5:

- (i) devices capable only of receiving and reproducing radio programmes broadcast to the public;
- (ii) devices in the shops of radio and TV dealers, installed solely for the purposes of sale, demonstration and rental;

- (iii) devices in firms, the main business of which is rental of radio receivers and TV sets, and which are exclusively intended for rental;
- (iv) devices for use in the manufacture and repair of radio and TV equipment as well as the production of programmes and copies thereof;
- (v) devices in diplomatic and consular representations;
- (vi) devices in international organisations, with which a host agreement with Denmark has been made;
- (vii) devices for operative use under the Danish Ministry of Defence; and
- (viii) devices for operative use under the emergency services.

Due dates

20. The licence fee period for media licence fees for businesses, institutions, associations, etc. shall coincide with the calendar year. The media licence fee for businesses, institutions, associations, etc. for a licence fee period shall fall due for payment on the last banking day in the first quarter of the year. Section 11(1), section 12(1), first and second sentences, section 13 and section 14(2) shall apply correspondingly to the media licence fee for businesses, institutions, associations, etc. In respect of section 11(1), however, the account must be debited no later than on the last banking day of the first quarter of the year.

Part 4

Licence fee reductions and exemptions

21.–(1) Upon application, DR Licens may grant pensioners exemption from radio licence fees and a reduction to half media licence fee, provided that the pensioner has a personal allowance rate of 100; cf. section 31(3) of the Act on Social Pensions or section 29(3) of the Act on the Highest, Intermediate, Increased Ordinary and Ordinary Anticipatory Pension, etc.

(2) The exemption/reduction shall lapse if the condition stipulated in subsection (1) above is no longer fulfilled. The pensioner is obliged to inform DR Licens that this is the case.

(3) An application form for exemption/reduction is obtainable from DR Licens and from the ap-

plicant's local authority.

22.-(1) Upon application, DR Licens may grant exemption from media licence fees to blind and visually impaired persons who live alone or in households exclusively with other blind or visually impaired persons and/or children under the age of 18. Such persons shall pay a radio licence fee instead. Blind and visually impaired persons shall mean persons who are members of the Danish Society for the Blind or meet the conditions for becoming members of the Danish Society for the Blind.

(2) Blind and visually impaired persons who are exempt from media licence fees pursuant to the provisions hitherto in force, will remain exempt from media licence fees; cf. subsection (1).

23.-(1) Devices set up for the private use by citizens of diplomatic or consular representations and foreign citizens attached to international organisations with which a host agreement with Denmark has been made shall be exempted from licence fees.

(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 evidence of citizenship and employment.

Part 5

Duty of disclosure, penalty provisions, TV licence inspectors, etc.

24. In connection with the collection of licence fees, DR may exercise licence control in relation to households, businesses, etc., including through visits to households, businesses, etc.

25.-(1) Businesses that sell/hire out devices capable of receiving and reproducing television programmes and services to consumers shall inform DR Licens about the full name and address of each buyer or hirer as well as the date of the sale/rental according to guidelines laid down by DR Licens. Notice of the sales/rentals in each quarter must be sent to DR Licens before the end of the subsequent quarter.

(2) A business's duty to report pursuant to subsection (1) above shall apply irrespective of the buyer's or hirer's use of sold/hired devices, including whether sold/hired PCs or similar units capable of receiving and reproducing television programmes and services have access to the Internet or

other network in accordance with section 1(2)(ii).

(3) No information needs to be given about the sales/rentals of radio devices or mobile telephones.

26. If the registration duty pursuant to section 5 is not observed, DR Licens may charge a control fee. The amount of the fee shall correspond to the amount of the licence fee evaded, but shall be no less than DKK 500. Complaints about the fee may be brought before the bailiff's court; cf. section 71(5)-(8) of the Radio and Television Broadcasting Act. The licence fee payer shall make a request to this effect to the tax authorities.

27.-(1) DR Licens may conclude agreements with public authorities about automated correlation with external databases with a view to ensuring that pensioners continue to meet the condition set up in section 20(1).

(2) Correlation of databases pursuant to subsection (1) above shall be registered with the Danish Data Protection Agency.

(3) Correlation, cf. subsection (1) above, shall be effected pursuant to the rules of the Danish Processing of Personal Data Act.

28. Persistent or serious cases shall be punishable by a fine pursuant to section 93 of the Radio and Television Broadcasting Act if the duty to report possession, sale or rental pursuant to sections 5 and 25 is not observed.

29.-(1) In connection with control as mentioned in subsection (1), TV licence inspectors employed by DR may register a household, business, etc. as liable to pay a licence fee if they find that the household, business, etc. is the owner or user of a device subject to a licence fee.

(2) The permission pursuant to subsection (1) for TV licence inspectors to look up selected households or businesses extends only to the door of the household, business, etc. TV licence inspectors are not allowed to cross the doorstep or come inside. The TV licence inspector has access to enter a communal area, such as a corridor in a student resident hall or a common stairway in a property with several flats/rooms, with a view to visiting selected households or businesses.

(3) The liability to pay a licence fee, cf. subsection (1), may be ascertained by the TV licence inspector's observation of devices subject to a licence fee in the household, business, etc., including if the inspector observes a device through windows visible from the publicly accessible access road to

the household, business, etc. or from the entrance door to the property. In addition, the existence of a device subject to a licence fee may be ascertained by the TV licence inspector hearing from the entrance door to the property the clear sound of a broadcast, the content and time of broadcast of which can subsequently be verified.

(4) TV licence inspectors shall submit their ascertainment pursuant to subsection (3) to a person of full legal capacity who belongs to the household, business, etc. If such submission cannot take place, subsection (7) shall apply.

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

(6) Evidence pursuant to subsection (5) may be in the form of written statements from the owner/user, gift recipients or lenders of a device subject to a licence fee, which statements must as a minimum contain information to the effect that the household, business, etc. visited no longer has possession of the device or that the device is not subject to a licence fee, cf. section 1, meaning a device with an analogue receiver that is not connected to a digital set-top box, community antenna system or the like. DR Licens must receive evidence pursuant to the first sentence hereof no later than 14 days after the TV licence inspector's visit. Any liability to pay a

licence fee for the household, business, etc. visited shall not enter into force until at the expiry of such 14-day time-limit.

(7) Insofar as possible the TV licence inspector shall, in connection with the visit, give the household, business, etc. a written statement describing that the liability to pay a licence fee has been ascertained. If circumstances in connection with the visit prevent this, cf. subsection (4), such statement may subsequently be forwarded to the household, business, etc. The written statement, cf. the first sentence hereof, shall include a description of the licensee's possibility of submitting evidence that he or she is not in possession of any device subject to a licence fee. The written statement may be accompanied by preprinted statements on which the licensee has the opportunity to give his or her evidence pursuant to subsection (6).

Part 6

Commencement and transitional provisions

30.–(1) This Order shall take effect on 25 May 2011.

(2) At the same time, Executive Order No. 436 of 4 June 2009 on Licence Fees shall be repealed. 31. The amount of licence fees, cf. section 2, shall be determined by the Minister for Culture with the consent of the Parliamentary Finance Committee; cf. Document 174 of 1 September 2010.

Ministry of Culture, 6 May 2011

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/ Lars M. Banke

