

# INFORMATION REGARDING RADIO DISTRIBUTION

## 1. Current rules of broadcast distribution

The **broadcast distribution** involves the following aspects in the **area of radio**:

- a) Minute values specific to radio
- b) Appropriate crediting of the miscellaneous radio inflows
- c) Variable broadcaster coefficients for public and private radio
- d) Calculation of a cultural factor for each radio station

### a) Minute values:

The broadcast distribution assumes a separation of amounts available for distribution, and hence a separation of the minute values for radio and television. Thus, there are no uniform minute values for radio and television. Rather, there are separate minute values for the broadcasting right and mechanical right for radio (categories R for broadcasting right and R VR for mechanical right) and for television (categories FS and T FS for the broadcasting right and categories FS VR and T FS VR for the mechanical right).

### b) Appropriate crediting of miscellaneous radio inflows:

The separation of amounts available for distribution duly divides the miscellaneous broadcast distribution inflows, into the areas of radio and television depending on their origin in audio and/or video uses. Examples for radio include (each in relation to the shares to be distributed in the broadcasting sector):

- Revenue from communication to the public of audio carriers and radio broadcasts
- Revenue from cable retransmission of radio broadcasts
- Audio share of revenue from private copying (ZPÜ, Central Organisation for Private Copying Rights)
- Revenue from the commercial reproduction of audio carriers without a programme

### c) Variable broadcaster coefficients:

A variable broadcaster coefficient has been set for each full public and private radio station. The variable broadcaster coefficients will be calculated anew for each business year by dividing the applicable net amount from the royalties collected by broadcasting companies and the proportional revenue from cable retransmission by the number of minutes established in each case. In doing so, distinction is made according to the following criteria:

When calculating the broadcaster coefficients for private radio stations, the royalty collection calculated for the individual stations is taken into account such that each private radio station receives a specific broadcaster coefficient.

In contrast, calculation of the broadcaster coefficients for public radio accounts for the royalty collections to be allocated to radio for each state broadcasting organisation. That means that in the future there will be one uniform coefficient for all of the radio stations of a state broadcasting organisation – e.g. for all WDR radio programmes. However, this will no longer correspond to a uniform value of 1, but

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will rather vary from year to year and from state broadcasting organisation to state broadcasting organisation. The minutes broadcast via digital public radio stations are taken into account in calculating the broadcaster coefficients – and also when making distributions to right holders – applying a factor that accounts for the commercial and structural significance of digital radio within public radio. For the 2016 business year, this corresponds to a uniform factor of one-tenth.

### d) Cultural factors for radio stations:

Within the context of the broadcast distribution, the principle of cultural promotion in radio pursuant §32 VGG takes on greater importance by accounting the relevance and cultural significance of the music within the broadcasting context considering the content of the individual programmes. According to §98, “cultural factors” are calculated for all public and private radio stations for crediting in the categories R and R VR based on objective criteria. These were first fixed for the 2013 business year by the resolution of the 2014 General Meeting. A newly constituted Radio Committee is responsible for making subsequent adjustments. It consists of three members of the Board of Supervisors, one member of each professional group, and three members of the Works Committee, also one member of each professional group. The cultural factors calculated by the Radio Committee must be approved by the Supervisory Board.

The degree to which each of the following ten criteria is met is used to calculate the cultural factors for each business year:

### Criteria for cultural significance

1. Share of German-language repertoire
2. Share of serious music, jazz and miscellaneous sophisticated vocal and instrumental music
3. Share of own and commissioned production in broadcast
4. Share of live productions and/or live recordings in broadcast
5. Share of reporting concerning music with editorial oversight
6. Share of regional repertoire
7. Share of niche repertoire beyond mainstream
8. Share of repertoire from early-stage authors
9. Share of own music events with broadcast context (festivals, concerts, etc.)
10. Programme diversity, measured by the number of different works per station

### Calculation of cultural factors

Fulfilment levels and their points:

Levels	Criteria 1 and 2	Criteria 3 to 10
1.	1 point	1 point
2.	3.5 points	3 points
3.	6 points	5 points
4.	8.5 points	
5.	11 points	

A point level is assigned to each radio station for each of the aforementioned criteria. The fulfilment levels are used to assess the degree to which the individual stations meet the respective criteria. Three fulfilment levels are established for eight of the ten criteria, and five fulfilment levels are established for two criteria (share of German-language repertoire, share of serious music, including jazz and miscellaneous sophisticated music).

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The cultural factor is obtained as follows:

$$\begin{aligned} & (\text{Sum of points across the 10 criteria}) / 10 \\ & = \text{Cultural factor} \end{aligned}$$

### 2. Information for radio distribution for the categories R, R VR

Music usage in radio is distributed annually on 1 July for the period of 1 January – 31 December of the preceding year. Each usage is subject to crediting in the categories R (broadcasting right) and R VR (mechanical right).

The amount of royalties distributed for broadcasting a musical work in radio, pursuant to §95 to §98, is dependent upon the following factors:

- Broadcast duration (minutes)
- Broadcaster coefficient
- Cultural factor
- Minute value
- Point valuation (§63, §64, §65)
- Right holder's shares in the work

#### 2. 1. Formula (radio)

The calculation **formula** for **radio** is:

$$\begin{aligned} & (\text{Broadcast minutes} \times \text{broadcaster coefficient} \times \text{cultural factor} \times \text{factor according to point assessment AR} \times \text{minute value AR})^1 \\ & + (\text{Broadcast minutes} \times \text{broadcaster coefficient} \times \text{cultural factor} \times \text{minute value VR}) \\ & = \text{Distribution sum per work (12/12 in AR / 100% in VR) for all entitled parties in EUROS} \end{aligned}$$

<sup>1</sup> The General Assembly 2014 decided, that from 01.01.2015 on, **0.4 percent** each of the composers' arising revenues in categories R, FS and M will be allocated to the finance of the arrangers' valuation procedure.

For business year 2016 the minute value for category R AR is EURO 1.8450 and for category R VR the minute value is EURO 0.3384.

#### Please note:

To differentiate properly the inflows from commercial reproduction of audio carriers with regard to the publishers' participation, an additional quality assurance in category R VR was made.

To assure a supplementary payment in category R VR to 01.07., these sums had to be allocated back manually, as this process was completed positively only after the automatic distribution run.

Thereby the actual distribution sum for R VR increased by EUR 1.4 million (10.25414 %) from EUR 13.7 million to EUR 15.1 million. Considering the supplementary payment the reported minute value in R VR is rising from EUR 0.3384 by 10.25 % to EUR 0.3731.

The actual total minute value in radio is then EUR 2.2181.

If works or work fragments from break or lead music, introductory, interlude and closing music, theme music and identification music are recurrently broadcast on a regular basis (on at least five consecutive days or once weekly in seven consecutive weeks), then broadcasts of those works or work fragments will be credited at one-third up to 5,000 weighted minutes, at one-sixth for 5,000 to 10,000 weighted minutes, and at one-tenth for over 10,000 weighted minutes.

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### 3. Exception to the distribution based on usage reports

Revenue from the categories R, FS, TFS and T is generally paid out based on programme crediting to the GEMA beneficiaries and to the foreign societies having a contractual relationship with GEMA.

In radio and television, broadcasters' revenue will not be credited on a basis of usage reports below a certain limit. The limit, fixed by the Board of Supervisors, for the respective field (§94) is taking proportionate revenue from cable retransmission and distribution of collections pursuant to §92 section1 into account.

This limit is EUR 90,000 for radio broadcasters and EUR 204,000 for television broadcasters.

### 4. Request for crediting

Broadcaster revenue below the fixed limit (§94) is distributed as a supplement to the distribution sums in the categories of radio and television. If in one business year individual works of a right holder are used exclusively or predominantly (measured in actual minutes broadcast) in radio and television programmes that have not been credited by programme due to negligible collection, then the right holder will still be able to request crediting pursuant to §94. If the request is justified, then the right holder will receive the royalties for the uses not credited by programme with the distribution following his request. The distribution sum is calculated on the basis of the actual scope of music used in relation to the respective collection. If the right holder has received a distribution for the respective business year in the categories of radio and/or television, then the amount to be paid will be reduced by the supplement contained in that statement for broadcasters not credited by programme.

The request for crediting must be filed within **six months** of the respective accounting deadline and include verifiable information regarding work title, entitled parties, broadcasters and broadcasting station, title of broadcast, broadcast dates and broadcasting time of the work. The request can furthermore only be considered if the respective broadcaster confirms this information to GEMA and a minimum amount of at least EUR 5.00 per work can be expected from crediting.

### 5. Grand Right distribution

GEMA does not administer the "Grand Right" (the right to stage performance of dramatico-musical works; e.g. operas and musicals). Here, the performing and broadcasting rights must be exercised individually by the author, a publisher or a theatrical distributor. One exception here is the right of communication for radio and television broadcasts, which GEMA does administer for dramatico-musical works as well. In this case, crediting will be assigned to the holder of the Grand Right at 100%.

## ANNEX

Cultural factors and broadcaster coefficients in radio for the business years 2015 and 2016

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### Cultural factors and broadcaster coefficients in radio for the business years 2015 and 2016

List of the radio stations subject to programme crediting pursuant to the Implementation Rules of the GEMA distribution plan for performing and broadcasting right § 97, § 98 and § 99 and § 103

Updated: July 2017

Ser. No.	Radio broadcaster	business year 2015 <sup>1</sup>		business year 2016 <sup>1</sup>	
		Cultural factor	Broadcaster coefficient	Cultural factor	Broadcaster coefficient
1	1LIVE	4,30	0,7587	3,85	0,8196
2	1LIVE diggi	2,05	0,0759 <sup>2</sup>	1,65	0,0820 <sup>2</sup>
3	104.6 RTL	2,05	0,3550	2,10	0,3558
4	106!8 Rock'n Pop	1,65	0,1267	1,65	0,1023
5	80s80s	1,00	0,0028	1,00	0,0026
6	89.0 RTL	1,85	0,1369	2,25	0,1439
7	917.xfm	2,85	0,0088	3,65	0,0056
8	94 3 rs2	1,00	0,1734	1,50	0,1553
9	98.8 Kiss FM	2,40	0,0834	2,20	0,0678
10	Alternative FM	2,05	0,0051	1,60	0,0045
11	Antenne Bayern	1,60	1,0352	1,65	1,1325
12	Antenne Brandenburg	3,35	0,2114	3,55	0,2315
13	Antenne Düsseldorf	1,45	0,0730	1,70	0,0787
14	Antenne Mecklenburg-Vorpommern	1,45	0,1090	1,25	0,1198
15	Antenne Niedersachsen	1,45	0,3584	2,10	0,4401
16	Antenne Saar	1,00	0,0106	2,75	0,0110 <sup>2</sup>
17	Antenne Thüringen	1,45	0,1844	1,45	0,1937
18	B5 plus	1,20	0,0643 <sup>2</sup>	1,20	0,0651 <sup>2</sup>
19	Baden FM	1,20	0,0571	1,00	0,0581
20	Bayern 1	2,90	0,6430	2,60	0,6507
21	Bayern 2	4,60	0,6430	5,25	0,6507
22	BR Heimat	4,45	0,0643 <sup>2</sup>	5,30	0,0651 <sup>2</sup>
23	Bayern 3	3,45	0,6430	3,65	0,6507
24	Bayern 5	1,20	0,6430	1,20	0,6507
25	Bayern plus	3,80	0,6430	4,00	0,6507
26	BB Radio	1,70	0,2053	1,70	0,2143
27	Berliner Rundfunk 91!4	1,20	0,1155	1,20	0,1506
28	bigFM der neue Beat	2,20	0,1726	2,60	0,2167
29	bigFM Hot Music Radio	2,20	0,1725	2,60	0,2003
30	BR Klassik	5,30	0,6430	5,50	0,6507
31	BR Verkehr	1,00	0,0643 <sup>2</sup>	1,00	0,0651 <sup>2</sup>
32	BR PULS (ehem. On3-Radio)	4,45	0,0643 <sup>2</sup>	4,45	0,0651 <sup>2</sup>
33	Bremen Eins	2,40	0,1105	2,40	0,1033
34	Bremen Next	2,55	0,0110 <sup>2</sup>	2,95	0,0103 <sup>2</sup>
35	Bremen Vier	3,70	0,1105	3,25	0,1033
36	Classic Rock Radio	1,00	0,0090	1,40	0,0106
37	Das Ding	3,45	0,5542	3,85	0,5750

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Ser. No.	Radio broadcaster	business year 2015 <sup>1</sup>		business year 2016 <sup>1</sup>	
		Cultural factor	Broadcaster coefficient	Cultural factor	Broadcaster coefficient
38	Delta Radio	2,85	0,0669	3,35	0,0882
39	Deutsche Welle	1,00	1,1051	1,00	1,1793
40	Deutschlandfunk	3,75	5,6946	4,20	2,4642
41	Deutschlandradio Kultur	4,15	5,6946	4,20	2,4642
42	Die NEUE 107.7	1,25	0,1194	1,20	0,1211
43	Die neue Welle	1,00	0,0963	1,00	0,1011
44	Donau 3 FM	1,00	0,0767	1,20	0,0751
45	Dradio Wissen	2,80	0,5695 <sup>2</sup>	2,60	0,2464 <sup>2</sup>
46	Energy Berlin 103,4	2,20	0,1364	2,00	0,1227
47	Energy Bremen	1,40	0,0599	1,65	0,0930
48	Energy Hamburg	2,20	0,0668	2,00	0,0607
49	Energy München 93.3	2,00	0,1286	2,00	0,1515
50	Energy Nürnberg	1,80	0,0688	2,00	0,0820
51	Energy Sachsen	1,85	0,0620	2,05	0,0618
52	Energy Stuttgart	1,80	0,0614	2,00	0,0914
53	ERF Plus	2,85	0,0796	3,60	0,1021
54	ERF Pop	2,00	0,0135	2,45	0,0111
55	Fritz	4,95	0,2114	4,55	0,2315
56	Funkhaus Europa (Radio Bremen)	4,30	0,1105	4,10	0,1033
57	Funkhaus Europa (RBB)	4,50	0,2114	4,30	0,2315
58	Funkhaus Europa (WDR)	4,50	0,7587	4,30	0,8196
59	Gong FM (Regensburg)	1,65	0,0362	1,60	0,0473
60	Hamburg zwei	1,20	0,0575	1,20	0,0739
61	harmony.fm	1,20	0,0377	1,00	0,0402
62	HIT RADIO FFH	1,85	0,7065	2,05	0,8101
63	Hit-Radio Antenne 1	1,20	0,3022	1,45	0,3308
64	Hitradio Ohr	1,60	0,0637	1,60	0,0722
65	HITRADIO RTL Sachsen	1,50	0,1583	1,95	0,1743
66	hitradio.rt1	1,40	0,1317	1,40	0,1449
67	HR 1	3,20	0,3272	3,20	0,3406
68	HR 2 Kultur	5,30	0,3272	5,30	0,3406
69	HR 3	2,45	0,3272	2,90	0,3406
70	HR 4	3,80	0,3272	3,60	0,3406
71	HR-info	1,00	0,3272	1,00	0,3406
72	Inforadio	1,40	0,2114	1,40	0,2315
73	JAM FM	1,80	0,0803	1,80	0,1013
74	KIRAKA	3,80	0,0759 <sup>2</sup>	3,60	0,0820 <sup>2</sup>
75	Klassik Radio	2,40	0,4211	2,80	0,3329
76	Kulturradio	5,10	0,2114	5,10	0,2315
77	Landeswelle Thüringen	1,45	0,0884	1,95	0,0856
78	MDR 1 Radio Sachsen	2,75	0,3333	2,70	0,3516
79	MDR 1 Radio Sachsen-Anhalt	2,50	0,3333	2,90	0,3516

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		Cultural factor	Broadcaster coefficient	Cultural factor	Broadcaster coefficient
80	MDR 1 Radio Thüringen	3,15	0,3333	2,90	0,3516
81	MDR Aktuell – Das Nachrichtenradio (from 02.05.2016, formerly MDR Info)	-	-	1,00	0,3516
82	MDR Figaro (until 01.05.2016)	5,30	0,3333	5,30	0,3516
83	MDR Info (until 01.05.2016)	1,00	0,3333	1,00	0,3516
84	MDR Jump	2,50	0,3333	2,95	0,3516
85	MDR Klassik	4,70	0,0333 <sup>2</sup>	4,70	0,0352 <sup>2</sup>
86	MDR Kultur (from 02.05.2016, formerly MDR Figaro)	-	-	5,30	0,3516
87	MDR Schlagerwelt	-	-	2,60	0,3516
88	MDR Sputnik	3,25	0,3333	3,70	0,3516
89	NDR 1 Niedersachsen	3,15	0,4436	3,35	0,4629
90	NDR 1 Radio MV	2,70	0,4436	2,95	0,4629
91	NDR 1 Welle Nord	2,45	0,4436	2,90	0,4629
92	NDR 2	3,50	0,4436	3,70	0,4629
93	NDR 90,3	3,30	0,4436	3,25	0,4629
94	NDR Blue (formerly NDR Musik Plus)	3,25	0,0444 <sup>2</sup>	3,90	0,0463 <sup>2</sup>
95	NDR Info	4,10	0,4436	4,10	0,4629
96	NDR Info Spezial	3,70	0,0444 <sup>2</sup>	3,90	0,0463 <sup>2</sup>
97	NDR Kultur	5,10	0,4436	5,10	0,4629
98	NDR Plus	-	-	2,60	0,0463 <sup>2</sup>
99	NJOY	3,70	0,4436	3,90	0,4629
100	Nordwestradio	4,40	0,1105	4,60	0,1033
101	Ostseewelle	1,85	0,1995	1,65	0,2036
102	Pirate Radio Nürnberg	1,80	0,0008	1,60	0,0020
103	Planet Radio	2,20	0,0985	2,20	0,1069
104	R.SA	1,85	0,1326	1,65	0,1461
105	R.SH	1,45	0,3539	1,65	0,3641
106	Radio 21	2,00	0,1394	1,80	0,1578
107	Radio 7	1,65	0,2760	1,65	0,3067
108	Radio 91.2 Lokalfunk Dortmund	1,45	0,0696	1,70	0,0745
109	Radio Arabella	1,00	0,1610	1,00	0,1910
110	Radio Berlin 88,8	2,85	0,2114	3,05	0,2315
111	RADIO BOB! Hessen Rock'n Pop	1,80	0,0887	2,00	0,1053
112	Radio Bonn/Rhein-Sieg	-	-	1,45	0,0588
113	Radio Brocken	1,65	0,1129	2,15	0,1357
114	Radio Charivari Nürnberg	1,20	0,0514	1,20	0,0706
115	Radio Charivari Regensburg	1,25	0,0782	1,00	0,0874
116	Radio Charivari 95,5 (95,5 Charivari (München))	1,20	0,1009	1,20	0,1255
117	Radio Charivari Würzburg	1,25	0,0380	1,25	0,0484
118	Radio Chemnitz	1,25	0,0445	1,50	0,0489
119	Radio Dresden	1,25	0,0689	1,50	0,0729
120	Radio Essen	1,45	0,0707	1,70	0,0685

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		Cultural factor	Broadcaster coefficient	Cultural factor	Broadcaster coefficient
121	Radio F Nürnberg	1,20	0,0436	1,20	0,0522
122	Radio Fantasy Augsburg	-	-	- <sup>3</sup>	0,0597
123	Radio Fantasy Lounge	-	-	- <sup>3</sup>	0,0008
124	Radio FFN	1,60	0,5097	2,05	0,5431
125	Radio Galaxy Amberg-Weiden	-	-	- <sup>3</sup>	0,0076
126	Radio Galaxy Aschaffenburg	1,40	0,0092	1,40	0,0071
127	Radio Galaxy Kempten	1,40	0,0068	-	-
128	Radio Galaxy Landshut	1,40	0,0078	-	-
129	Radio Galaxy Ingolstadt	1,40	0,0101	1,40	0,0172
130	Radio Gong 2000 (Radio Gong 96,3)	1,40	0,1481	1,40	0,1715
131	Radio Gong Nürnberg	1,40	0,0280	1,40	0,0314
132	Radio Gong Würzburg	1,90	0,0572	1,85	0,0717
133	Radio Hamburg	2,25	0,3983	2,60	0,4809
134	Radio Horeb	2,25	0,2185	3,30	0,2107
135	Radio In	1,25	0,0483	1,25	0,0513
136	Radio Köln	1,65	0,1105	1,90	0,1090
137	Radio Leipzig	1,25	0,0518	1,50	0,0547
138	Radio Luxemburg	1,25	0,0643	-	-
139	Radio N1	1,60	0,0493	1,40	0,0462
140	Radio ND1	1,25	0,0022	1,25	0,0022
141	Radio NRW	1,65	1,0642	1,90	1,2728
142	Radio Primavera	1,25	0,0619	1,00	0,0593
143	Radio PSR	1,45	0,2370	1,90	0,2516
144	Radio Ramasuri	-	-	1,25	0,0556
145	Radio Regenbogen	2,05	0,3337	2,25	0,3703
146	Radio Regenbogen 2	-	-	1,00	0,0115
147	Radio RSA 1	1,00	0,0522	-	-
148	Radio RSA 2	2,20	0,0062	-	-
149	Radio RSA 3	1,20	0,0025	-	-
150	Radio Salü	1,60	0,1593	2,30	0,1571
151	Radio SAW	1,85	0,2711	2,05	0,2756
152	Radio Seefunk	1,25	0,0668	1,45	0,0515
153	Radio Teddy	-	-	3,20	0,0793
154	Radio TON Regional Heilbronn	1,00	0,0889	1,00	0,1045
155	Radio TOP 40	2,25	0,0250	2,70	0,0222
156	Radio Trausnitz	1,25	0,0550	-	-
157	Radio Zwickau	1,25	0,0225	1,50	0,0240
158	Radioeins	4,20	0,2114	4,00	0,2315
159	Rock Antenne	-	-	2,00	0,0963
160	ROCKLAND Sachsen-Anhalt	1,80	0,0095	1,40	0,0068
161	Rockland Radio	1,80	0,0685	1,80	0,1104
162	RPR 1	1,65	0,4133	2,25	0,3971



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		Cultural factor	Broadcaster coefficient	Cultural factor	Broadcaster coefficient
163	Schwarzwaldradio	1,00	0,0079	1,20	0,0089
164	Spreeradio	1,20	0,1718	1,20	0,1556
165	SR 1 Europawelle	3,30	0,1060	3,70	0,1097
166	SR 2 Kulturradio	5,10	0,1060	5,10	0,1097
167	SR 3 Saarlandwelle	4,60	0,1060	4,40	0,1097
168	Star FM Maximum Rock!	2,00	0,0930	2,80	0,0990
169	Sunshine live	2,20	0,1122	2,40	0,1093
170	SWR 1 Baden-Württemberg	3,20	0,5542	3,40	0,5750
171	SWR 1 Rheinland-Pfalz	3,20	0,5542	3,40	0,5750
172	SWR 2 Kultur	5,30	0,5542	5,30	0,5750
173	SWR 3	3,20	0,5542	2,80	0,5750
174	SWR 4 Baden-Württemberg	4,60	0,5542	4,60	0,5750
175	SWR 4 Rheinland-Pfalz	4,60	0,5542	4,60	0,5750
176	SWR Info	1,00	0,5542	1,00	0,5750
177	The Wave Relaxing Radio	1,90	0,0002	1,90	0,0002
178	TOP FM	-	-	- <sup>3</sup>	0,0541
179	Unser Ding	3,70	0,1060	3,90	0,1097
180	WDR 2	3,05	0,7587	3,70	0,8196
181	WDR 3	5,50	0,7587	5,30	0,8196
182	WDR 4	4,40	0,7587	4,60	0,8196
183	WDR 5	2,75	0,7587	3,15	0,8196
184	WDR Event	1,00	0,7587	1,20	0,8196
185	You FM	3,05	0,3272	3,05	0,3406

<sup>1</sup> The following applies to the distributions from business year 2014 on: If several regional broadcasts are aired parallel on radio or television without making a separate debt collection for these programmes, the broadcasting time will be divided by the number of the parallel aired broadcasts.

<sup>2</sup> The minutes for public radio station are credited using a factor that accounts for the commercial and structural significance of digital radio within public radio. There is a uniform factor of one-tenth for business years 2015 and 2016. The determined broadcaster coefficients are stated accordingly.

<sup>3</sup> For this radio station it only has appeared that the relevant revenues exceed the programme crediting limit after determination of the cultural factors for business year 2016. Therefore the cultural factor was determined retroactively in business year 2017.

Status: July 2017