

## Membership Fee Regulations Voluntary Self-Monitoring of Multimedia Service Providers (FSM e.V.)

As of: 13.06.2013

In accordance with § 14 (1), Articles of Association, the Voluntary Self-Monitoring of Multimedia Service Providers e.V. – has adopted the following regulations for membership fees, which apply to all members of the FSM with effect from 01.01.2005:

### I. Annual membership fees

Regular members of the FSM pay an annual membership fee according to allocation to one of the following categories:

Category	Annual fee	Turnover per calendar year
1	€ 32,000.00	over 100 Million €
2	€ 24,000.00	40 Million – 100 Million €
3	€ 16,000.00	10 Million – 40 Million €
4	€ 11,000.00	5 Million – 10 Million €
5	€ 8,000.00	1 Million – 5 Million €
6	€ 4,000.00	less than 1 Million €

The amount is determined by the Board in accordance with § 8 Para. 2 of the Articles of Association, in agreement with the member, on the basis of the annual turnover achieved by the company in its online area of activity.

The company is obliged to notify the turnover figures for the preceding year before 1st October of a given year to the treasurer (the CEO). On the basis of these figures the member is assigned to one of the membership categories displayed above for the following calendar year.

If a company does not notify information on its annual turnover, it will automatically be assigned to the highest category.

The associated members of the FSM make an annual contribution, of which the level is determined as follows: The CEO proposes a membership fee within the range of values shown in the following table, according to the turnover of the undertaking per calendar year. It is open to the undertaking to propose changes in the level of contribution, as long as these lie within the framework indicated. The final decision on the level of contribution lies with the Board, which will take account of the importance of the FSM to the undertaking and the services it provides the undertaking as well as any requested changes.

Category	Annual fee	Turnover per calendar year
1a	€ 11,100 – 16,000	Over 100 Million €
2a	€ 7,100 -11,000	Up to 100 Million €
3a	€ 4,100 - 7,000	Up to 50 Million €
4a	€ 2,000 – 4,000	Up to 10 Million €

The sponsoring members of the FSM make an annual membership contribution according to their location in the following categories:

Category	Annual contribution
1f	€ 16,000.00
2f	€ 11,000.00
3f	€ 6,000.00
4f	€ 3,000.00
5f	€ 1.500,00

The allocation is based on the following criteria:

- The annual budget of the association/ legal entity
- Number of employees
- Number of members of the association/ legal entity

Each of these criteria contributes one third, according to the threshold values shown in the Annex, as the basis of allocation. If the calculation does not result in an unambiguous allocation, the promotional member is to be assigned to the lower category for residual values up to .5 and to the higher category for residual values from .6.

## **II. Levies / expenses-related charges / recovery of costs**

1. The General Members Meeting can decide on activities of the association of which the costs will be met by a levy. Unless otherwise determined by the General Meeting, the levy will be related to the level of the annual contributions.
2. If the hotline is engaged with a valid complaint or with a complaint made through the KJM against a member of FSM, the member concerned will be expected to meet the costs arising from this. These consist of the current fees for the Complaints Committee and a flat-rate processing charge for the complaints office. The fees for the Complaints Committee and the processing charge will be determined by the Board, taking into account the principle of covering the costs. The administrative charges made by the KJM in submitting a complaint are payable directly by the member concerned.
3. If the Expert Commission according to § 13 of the Articles of Association is called upon by a member, the charges arising will be payable by the member concerned. These consist of the current fees for the Expert Commission flat-rate processing charge for the Head Office. The fees for the Expert Commission and Head Office will be determined by the Board, taking into account the principle of covering the costs.
4. Levies/charges relating to additional costs are payable within 14 days after receipt of the invoice. The provisions of section V, points 3-6 apply accordingly to payment obligations for levies and additional costs.

### III. Penalties

In accordance with § 8 para. 6 of the Articles of Association, serious or repeated infringements of the Articles of Association, the Code of Conduct or against the decision of the complaints committees can lead to a written warning from the Board. If the member subsequently fails to comply with the Articles of Association, the Code of Conduct or the decision of the complaints committee, the Board can impose an appropriate internal fine of up to € 15,000. The size of the internal fine to be determined by the Board depends on the following criteria:

- Seriousness of the offence
- Frequency of an offence by the member
- Duration of infringement of the Articles and other documents of the Association
- Any other conduct of the member

Invoices for internal fines of the Association are payable within 14 days of receipt of the invoice. The provisions of section V, points 3-6 accordingly apply to payment obligations.

### IV. Exceptions / Special conditions

1. At the substantiated request of a member, the Board can exceptionally specify a lower membership fee than indicated in these regulations for the current calendar year and differing conditions of payment.
2. In particular, the Board can approve a lower membership fee than indicated in these regulations (termed a “group discount”) for the current calendar year, and differing conditions of payment, if the following conditions are fulfilled
  - A company is an ordinary member of the FSM and
  - the ordinary member of the FSM is associated with one or more other companies as defined in §§ 15 ff of the German Companies Act (AktG), which is/are also (an) ordinary member(s) of the FSM.

To benefit from a group rebate of this kind the following additional criteria must be met:

- Written application must be made for the group discount on admission to the FSM or at a later point in time,

- written evidence of the company association giving rise to it must be provided to the FSM, and
- the sum of the individual membership fees of the companies in the FSM is at least € 56,000 per year.

If these conditions are satisfied the Board can grant the undertakings concerned a discount of a maximum of 10% of their membership fees. The decision of the Board is made in agreement with the respective members at the end of the second quarter for the following calendar year. At the choice of the members concerned the membership fees are collected either as a single contribution of the leading undertaking under § 17 AktG or from each individual member taking account of the discount. If agreement cannot be reached within the group of undertakings concerned, the Board of the FSM decides on the form of payment.

3. At the request of an undertaking which is applying for ordinary membership in the FSM, in particular cases the Board can determine an individual membership fee ("Start-up fee") on the following conditions:
  - the undertaking was founded not longer than 24 months prior to the time of application,
  - the online turnover of the undertaking was less than € 0.5 million in the previous calendar year (if the undertaking has not yet been in existence for an entire calendar year, the turnover may not exceed 0.5 million Euro in the maximum of 12 calendar months before application) and
  - the undertaking or its legal predecessor is not currently a member of the FSM and has not been a member in the last 12 months prior to application.

## **V. Payment of membership fees / terms for payment**

1. Membership fees for the year of acceptance are to be paid in full, unless joining in the second half of the year, in which case half of the fee is to be paid for the year in progress.
2. Members' contributions are calculated from the beginning of the year, or according to class of membership. Membership fees are payable 14 days after receipt of the invoice.
3. Leaving the Association, for whatever reason, does not affect the payment obligations of the member. Fees and contributions already paid will not be refunded.