[DE] Constitutional Court Rejects Appeal against Licence Fee Decision

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In a decision announced on 6 September 1999, the Bundesverfassungsgericht (German Constitutional CourtBVerfG) rejected a complaint lodged by the owner of a hotel and conference centre against the duty to pay the television licence fee.

The case was taken to the Constitutional Court after the broadcasting company Süddeutscher Rundfunk decided to charge the licence fee for each of the hotel's 114 television sets. The complainant's initial appeal and proceedings brought before the Administrative Court both failed. She claimed that the decision breached the basic right to freedom of information (Article 5.1.1 of the Grundgesetz (Basic Law) - GG), the guarantee of property (Article 14 GG) and general freedom of action (Article 2.1 GG). She also argued that §2.2.1 of the Rundfunkgebührenstaatsvertrag (Agreement between Federal States on Radio and Television Licence Fees) was unconstitutional. This provision states that the licence fee must be paid for any television set, whether or not the owner wishes to view public service channels.

The Constitutional Court did not accept this argument and rejected the complaint, referring to previous judgements concerning the licence fee, since the Constitution itself was inconclusive and the situation was largely the same as it had been at the time of the previous judgements. In its detailed explanation, the Court said that freedom of information did not include a right to free information, that the mere obligation to pay a fee did not affect property in the sense of Article 14 of the Basic Law, and that general freedom of action was legitimately restricted by the regulations set out in the Agreement on Radio and Television Licence Fees. The Court stated that, in a structure where private broadcasters were dependent on the correct functioning of public service broadcasting, it was fair to link the licence fee solely to the number of receivers owned, irrespective of how they were used.

Beschluß des BVerfG vom 6. September 1999, Az. 1 BvR 1013/99.

Judgement of the Constitutional Court, 6 September 1999, case no. 1 BvR 1013/99.

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