European Court of Human Rights: Case of Faccio v. Italy

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The European Court of Human Rights has declared inadmissible the application in a case concerning the sealing by the authorities of a television set because a person had not paid his licence fee.

In 1999, the applicant, Mr. Faccio, filed a request with the *Radiotelevisione italiana* (RAI) subscriptions bureau to terminate his subscription to the public television service. On 29 August 2003, the tax police sealed his television set in a nylon bag so that it could no longer be used. Relying on Article 10 (freedom of expression) and Article 8 (right to respect for private and family life) of the European Convention on Human Rights, Mr. Faccio complained before the Court of a violation of his right to receive information and of his right to respect for his private and family life. He alleged that the act of making his television set unusable was a disproportionate measure, as it also prevented him from watching private channels. He further relied on Article 1 of Protocol No. 1 (protection of property) to the Convention.

The European Court of Human Rights noted that it was not in dispute that the sealing of the television set had constituted interference with the applicant's right to receive information and with his right to respect for his property and for his private life. It further found that the measure, taken under the provisions of Italian law, had pursued a legitimate aim: to dissuade individuals from failing to pay a tax or, in other words, to dissuade them from terminating their subscriptions to the public television service. The licence fee represents a tax that is used for the financing of the public broadcasting service. In the Court's view, regardless of whether or not Mr. Faccio wished to watch programmes on public channels, the mere possession of a television set obliged him to pay the tax in question. Moreover, a system whereby viewers would be able to watch only private channels without paying the licence fee, assuming that this were technically feasible, would amount to depriving the tax of its very nature, since it is a contribution to a community service and not the price paid by an individual in return for receiving a particular channel.

In view of the foregoing considerations and the reasonable amount of the tax (which, by way of example, amounts to EUR 107.50 for 2009), the Court concluded that the measure consisting of sealing the applicant's television set in a bag was proportionate to the aim pursued by the Italian authorities. It thus declared the application manifestly ill-founded.

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Décision rendue par la Cour européenne des droits de l'homme (deuxième section), affaire Bruno Antonio Faccio c. Italie , requête n° 33/04 du 31 mars 2009

https://hudoc.echr.coe.int/eng?i=001-92184

Decision by the European Court of Human Rights (Second Section), case of Bruno Antonio Faccio v. Italy, Application no. 33/04 of 31 March 2009

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