[DE] BVerwG Rules on Licence Fee Obligation for Internet PCs

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Anne Yliniva-Hoffmann
Institute of European Media Law (EMR), Saarbrücken/Brussels

In several rulings issued on 17 August 2011, the *Bundesverwaltungsgericht* (Federal Administrative Court - BVerwG) decided that Internet-capable PCs used for professional purposes could be exempted from the licence fee obligation (see IRIS 2009-7/14).

The rulings followed complaints lodged by three self-employed individuals who worked from home. Their home offices contained Internet-capable PCs that they used for work purposes. These devices were subject to fees levied by the public service broadcasters because they were considered as new types of broadcast-receiving devices in the sense of the *Rundfunkgebührenstaatsvertrag* (Inter-State Agreement on broadcast licence fees - RGebStV). Their owners complained that the PCs concerned should be exempt from the licence fee obligation as secondary devices (Art. 5 RGebStV).

The complaints were upheld in the lower instance courts and the appeals lodged by the broadcasters concerned were rejected by the BVerwG.

The plaintiffs had traditional broadcast-receiving devices (radio and television sets) in the other rooms of their homes, which were used for private purposes and for which they also paid licence fees. These devices should be treated as primary devices, while the Internet-capable PCs, since they were located at the same property, should be considered as fee-exempt secondary devices (Art. 5(3) RGebStV). These provisions were designed to favour new types of broadcast-receiving devices - particularly those not used exclusively for private purposes - because they were often used "not (primarily) to receive broadcasts, but [...] as work tools".

Pressemitteilung des BVerwG zu den Urteilen vom 17. August 2011 (Az. 6 C 15.10, 45.10 und 20.11)

http://www.bverwg.de/enid/e6d27f7f6856100c1396d984eabe87b3,0194e37365617263685f646973706c6179436f6e7461696e6572092d093133383435093a095f7472636964092d0931393535/Pressemitteilungen/Pressemitteilung_9d.html

BVerwG press release on the rulings of 17 August 2011 (case no. 6 C 15.10, 45.10 and 20.11)

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