[DE] No broadcasting licence fee exemption on religious grounds

IRIS 2017-1:1/9

Ingo Beckendorf
Institute of European Media Law (EMR), Saarbrücken/Brussels

In a ruling issued on 20 September 2016 (case no. 5 K 145/15.NW), the Verwaltungsgericht Neustadt (Neustadt Administrative Court - VG Neustadt) decided that exemptions from the obligation to pay the broadcasting licence fee cannot be granted on religious grounds because the licence fee is not connected to any ideological belief.

Since 1 January 2013, the broadcasting licence fee has been charged per household rather than solely to owners of reception devices. A free church pastor had previously had a complaint about the fee rejected. He had claimed that the new regulation was unconstitutional and infringed his freedom of conscience. The judges at the VG Neustadt had rejected this complaint on 24 February 2015 (case no. 5 K 713/14.NW). The clergyman's application to appeal against this ruling had also been rejected by the Oberverwaltungsgericht Rheinland-Pfalz (Rhineland-Palatinate Administrative Court of Appeal - OVG) on 16 November 2015 (case no. 7 A 10455/15). The OVG judges had found that the licence fee did not breach either the principle of equal treatment or the freedom of religion and conscience guaranteed under Article 4(1) of the Grundgesetz (Basic Law).

However, in June 2014, the pastor applied once again for an exemption from the licence fee obligation for reasons of conscience. He argued that the content of numerous programmes transmitted by public service broadcasters was incompatible with his values and he did not want to help finance them. A large proportion of programmes, he claimed, depicted an unacceptable, ungodly, immoral and destructive lifestyle that was incompatible with biblical Christian values. However, he based his application on hardship rather than religious grounds. His family did not own either a TV set or a radio. Family members obtained most information from the Internet and DVDs. However, Südwestrundfunk (SWR) rejected his application. After the pastor's appeal was also rejected, he lodged a further appeal with the VG Neustadt. This was also dismissed.

In the latest ruling, the judges referred, among other things, to the OVG decision, according to which the conditions for a licence fee exemption were not met.

The VG Neustadt held that the licence fee had no connection with any ideological belief. The public service broadcasters' work was characterised by the obligation

© European Audiovisual Observatory (Council of Europe) 2026

to guarantee diversity and broadcasters' programming freedom, which were enshrined in constitutional law. The financing guarantee enabled the public service broadcasters to meet these requirements and to remain independent from the state. Besides, according to the Bundesverfassungsgericht (Federal Constitutional Court), a decision based on conscience did not, in principle, exempt someone from paying taxes and duties. In view of the diversity of programmes offered by public service broadcasters, the plaintiff could not deny that there were a whole host of programmes that were fully consistent with his values.

Urteil des Verwaltungsgerichts Neustadt vom 20. September 2016 (Az.: 5 K 145/15.NW)

http://www2.mjv.rlp.de/icc/justiz/nav/613/binarywriterservlet?imgUid=6905ff2f-30e7-51d2-f029-922e4e2711ce&uBasVariant=11111111-1111-1111-1111-111111111111

Ruling of the Neustadt Administrative Court of 20 September 2016 (case no. 5 K 145/15.NW)

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026