[DE] Licence fee also applies to second homes

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In eight different procedures, the Bundesverwaltungsgericht (Federal Administrative Court) decided on 25 January 2017 that the application of the broadcasting licence fee to second homes is compatible with the principle of equal treatment (case nos. 6 C 7.16, 6 C 11.16, 6 C 12.16, 6 C 14.16, 6 C 15.16, 6 C 18.16, 6 C 23.16 and 6 C 31.16).

The plaintiffs had argued that the full licence fee should not apply. Under the previous system, in which the fee had depended on ownership of a reception device, they had only been required to pay a reduced fee on the grounds that they only owned a radio or new type of reception device, but no television set. Under the new system, in which all home owners are liable, the plaintiffs must pay the full amount.

The plaintiffs who owned a second home also argued that the licence fee should not apply to their second homes.

Since the Bundesverwaltungsgericht had previously decided in a number of procedures that the home owners' obligation to pay the full licence fee was compatible with the Grundgesetz (Basic Law), in the procedures at hand it merely had to decide whether the application of the fee to second homes conformed to the principle of equal treatment.

The Bundesverwaltungsgericht decided that the application of the licence fee to second homes was compatible with the Grundgesetz. Linking the fee to home ownership was the most practical solution. It removed the need for expensive investigations, which intruded on people's privacy, and this was precisely why the legislator had changed the licence fee system. However, if exceptions were made for second homes, such investigations would again be necessary. In addition, only a few people were affected by the rule, that is to say, people who lived alone in both their first and second homes. In all other circumstances, the possibility of simultaneous use existed, which meant applying the licence fee to both homes was justified.

Urteil des Bundesverwaltungsgericht vom 25. Januar 2017, 6 C 11.16

http://www.bverwg.de/entscheidungen/entscheidung.php?ent=250117U6C11.16.0

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Ruling of the Federal Administrative Court of 25 January 2017, 6 C 11.16

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