



Press and Information

Court of Justice of the European Union
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Judgment in Case C-492/17
Südwestrundfunk v Tilo Rittinger and Others

The German broadcasting contribution is compatible with EU law

In Germany, public broadcasting is funded principally by the broadcasting contribution, which is payable in particular by all adults occupying a dwelling within the country. The broadcasting contribution replaced, from 1 January 2013, the former broadcasting fee payable on the basis of possession of a broadcast receiving device. As regards recovery of the broadcasting contribution, public broadcasters have powers, as exceptions to the general law, which enable them themselves to enforce unpaid debts.

In 2015 and 2016 the Land broadcasting institution Südwestrundfunk (SWR) sent Mr Tilo Rittinger and other persons owing the broadcasting contribution enforcement instruments for the purpose of recovering the sums not paid. When the payments were not made, SWR proceeded to enforce its claims on the basis of those instruments.

Mr Rittinger and the other debtors brought actions before the German courts against the recovery procedures concerning them. Since the Landgericht Tübingen (Regional Court, Tübingen, Germany), which is hearing the cases on appeal, takes the view that the broadcasting contribution and the public authority rights enjoyed by public broadcasters in connection with the recovery of debts are contrary to EU law, in particular the rules on State aid, it has put a number of questions to the Court of Justice.

By today's judgment the Court of Justice finds, first, that the replacement of the broadcasting fee (which was payable on the basis of possession of a broadcast receiving device) by the broadcasting contribution (which is payable inter alia on the basis of occupation of a dwelling or business premises) does not constitute a substantial alteration to the system of financing public broadcasting in Germany. It was not therefore necessary to notify it to the Commission (which had found in 2007 that the broadcasting fee was to be classified as existing aid)¹ as an alteration to existing State aid.

The Court observes inter alia that the replacement of the broadcasting fee by the broadcasting contribution was aimed essentially at simplifying the conditions of levying the broadcasting contribution, in a context of evolving technologies for receiving the public broadcasters' programmes. Moreover, that simplification did not lead to a substantial increase in the compensation received by the public broadcasters to cover the costs associated with the public service tasks entrusted to them.

The Court finds, secondly, that the EU rules on State aid do not preclude a public broadcaster from enjoying powers, as exceptions to the general law, allowing them to enforce themselves claims in respect of unpaid broadcasting contributions.

The Court observes in this respect that those rights were taken into account by the Commission in its examination of the system of financing public broadcasting in Germany in 2007 and have

¹ Commission Decision of 24 April 2007 (C(2007) 1761 final – State aid E 3/2005 (ex CP 2/2003, CP 232/2002, CP 43/2003, CP 243/2004 and CP 195/2004) – Financing of public service broadcasters in Germany (ARD/ZDF)).

remained unchanged since then. Such rights are, moreover, inherent in the public service tasks of public broadcasters.

The Court finds that the Landgericht Tübingen's other questions concerning the compatibility with EU law of the system of financing public broadcasting in Germany are inadmissible.

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of European Union law or the validity of a European Union act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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The [full text](#) of the judgment is published on the CURIA website on the day of delivery.

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