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Partial deduction for language course abroad

The Supreme Tax Court has allowed an army officer a partial deduction for an elementary level English course held in South Africa.

A Bundeswehr subaltern (lieutenant) serving as troop leader claimed a deduction for the costs of attending an English language course in South Africa. The tax office saw in the choice of South Africa and the elementary level of the course clear indications that the trip to South Africa served mainly private interests and refused the relief. Its main arguments were that there was no need to go abroad to learn English and that completion of the course did not bring the student to a level useful in the commercial world.

The Supreme Tax Court has now held that there can be no hard and fast rule and every case must be considered on its own merits. A troop leader in the field did not need more than a basic knowledge of written English, but did need to attach importance to the spoken language. Pronunciation and intonation were best learned in a country where the language was spoken by the natives. The course was full-time, leaving only the weekends for tourist activities. On the other hand, South Africa was an unusual choice for an English crash course for a German student. All things considered, the court came to the conclusion that there could be no objection to allowing a deduction for 50% of the costs, unless one of the parties could substantiate a different split.

Supreme Tax Court judgment VI R 12/10 of February 24, 2011 published on May 18

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Language course, english course