

Brussels, 23 November 2011

Statement by Commissioner Barnier concerning the mission given to Mr Vitorino to act as a mediator in the dialogue on private copying levies

I have proposed to Mr. António Vitorino, former European Commissioner for Justice and Home Affairs, to take up the mission of mediator to lead the process of the stakeholder dialogue on private copying levies.

The process which we are starting now, as announced in May this year in the Communication on a single market in intellectual property rights, has as its objective laying the ground for legislative action on private copying levies at EU level.

Mr. Vitorino's task will be to moderate stakeholder discussions with the objective of exploring possible approaches to harmonisation of both the methodology used to impose levies and the systems of administration of levies. It is planned that the discussions will commence in the beginning of 2012 and will be completed before the summer of 2012. The success of these discussions will depend on the constructive commitment of all relevant parties. I believe that a common effort on all sides, under the excellent leadership of Mr. Vitorino, will bring the expected results allowing us to propose legislation enabling the smooth cross-border trade in goods that are subject to private copying levies while ensuring that the rightholders receive appropriate compensation for acts of private copying.

I would like to also express my thanks to Mr. Vitorino for accepting to take up this challenging task.

Background:

Levies are a tool that many Member States chose to insure that authors and other rightholders are compensated when their copyright protected content (books, music, films) is copied for private purposes. Levies are imposed on goods that are typically used for the production of a private copy (blank media, recording equipment, mobile listening devices, computers, printers, scanners, etc.). There are important differences between Member States as to the equipment that is levied (for instance, some Member States levy mobile phones whereas others do not) and the amounts levied. Member States differ also on the understanding of what constitutes a "private copy". The Court of Justice has recently clarified certain concepts. Nevertheless, these differences still create difficulties

for economic operators and citizens in the Internal Market as well as problems for the functioning of national systems, in each case to the detriment of rightholders.

This is not the first time that the Commission starts discussions on this topic. Levies have been on the Commission's agenda for many years. Several attempts were made previously to establish certain principles on how such a levy system should function within the Internal Market. The fact that authors and other rightholders must receive fair compensation for the use of their work is not at issue. The issue is that all schemes used for the collection of this compensation should be organised in the most efficient way possible.

Mr Antonio Vitorino is a Portuguese politician, among others a former Deputy Prime Minister, a former Defence Minister and a former European Commissioner responsible for Justice and Home Affairs.