

SECOND CALL FOR COMMENTS

'FAIR COMPENSATION FOR ACTS OF PRIVATE COPYING'

The Commission invites all interested stakeholders to submit views and comments on the questions below. The background to these questions is elaborated in the attached document ('the Document').

A. Main characteristics of the private copying levy systems

- 1) Does Table 1 on equipment and blank media levies reflect the situation correctly? Is the information contained in Table 1 still correct?
- 2) How could the legal uncertainties as to which equipment is levied in different jurisdictions be dealt with?
- 3) What would be the fairest method to determine the private copying levy rate that applies to digital equipment and blank media?
- 4) Have new levies on either equipment or media have been introduced or abolished since 2006?

B. Economic, social and cultural dimension of private copying levies

- 5) Can you provide updated figures for 2007 on the amount of levies collected in those jurisdictions that apply a levy scheme?
- 6) Are you aware of further economic studies on the topics discussed in the Document?
- 7) Table 5 reflects the percentage of private copying levies and the resulting amounts that are allocated to cultural and social funds. Does this table summarise the situation correctly? Could you provide updated figures for 2007?
- 8) What kind of events are funded by the sums set aside for cultural funds in the different jurisdictions? Who are the main beneficiaries of these monies?
- 9) What percentages of cultural funds are spent on cultural events and what percentages on pensions or social payments?
- 10) Should there be a Community-wide (binding or indicative) threshold for cultural fund deductions?
- 11) What share of individual rightholders' revenues do private copying levies represent?

C. Cross-border trade and e-commerce issues

- 12) Is there a refund system available in your jurisdictions when particular equipment or media is exported to another Member State? If so, are there limitations as to the category of traders or individuals who are entitled to such a refund upon exportation?

- 13) What is the most suitable system of refunds upon exportation? Who is the most suitable party to claim those refunds?
- 14) Does Table 6 on national refund and exemption systems reflect the situation correctly? Please complete and update the table.
- 15) Who is the most suitable party to pay private copying levies? Should private end-consumers be exempt to self-report intra-community purchases of blank media and equipment?

D. Professional users of ICT equipment

- 16) How do private copying levies affect professional users (SMEs, others)?
- 17) How should collecting societies take into account professional users? Should professional users be exempted from payments in the first place or should such users be entitled to a refund after payment?

E. Grey market

- 18) Has the size of the grey market increased since 2006?
- 19) What are the measures Member States, collecting societies and the ICT industry are taking to reduce the size of grey market in their jurisdictions?

F. Consumer issues

- 20) Are you aware of consumer surveys on private copying behaviour which are used as a basis for setting the levy rates? And consumer surveys on the main sources of works or sound recordings that are privately copied?
- 21) How should private copying levy schemes evolve to take into account convergence in consumer electronics?

G. Double payment

- 22) What are the main issues that consumers face when paying for digital downloads?
- 23) Should licensing practices be adopted to account for contractually authorised copies?

H. Alternative licensing

- 24) If rightholders decide that their works can be disseminated for free, how should this be taken into account when collecting private copying levies?

I. Distribution issues

- 25) What is the typical frequency and schedule of levy payouts?
- 26) What are the main issues encountered with respect to cross-border distribution?
- 27) What are the average administrative costs in levy administration (in per cent of collected revenue)?

All stakeholders are invited to comment on the above-mentioned issues. Answers and comments, which may cover all or only a limited number of the above issues, should reach the following address by 18 April 2008

markt-d1@ec.europa.eu.

If stakeholders wish to submit confidential responses, they should indicate clearly which part of their submission is confidential and should not be published on the Commission's website. All other submissions, not clearly marked as confidential, may be published by the Commission.